

The background of the cover features a stylized illustration of a crowd of people. The top half is blue with white and yellow silhouettes of people. The bottom half is yellow with blue and white silhouettes of people. The overall effect is a sense of a large gathering or protest.

# Economic, Social and Cultural Rights in Bangladesh

An Alternative Report  
to the United Nations  
Committee on Economic,  
Social and Cultural Rights

February 2018

**HUMAN RIGHTS FORUM BANGLADESH (HRFB)**





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An Alternative Report to the United Nations Committee on  
Economic, Social and Cultural Rights**

**Publication year: 2018**

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6. Bangladesh Dalit and Excluded Rights Movements (BDERM)
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## In collaboration with South Asian Feminist Alliance on Economic, Social and Cultural Rights (SAFA) and International Land Coalition (ILC)

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3. Community Development Association (CDA)
4. Kapaeeng Foundation

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## Acknowledgements

This Civil Society Alternative Report has been prepared by the Human Rights Forum Bangladesh (HRFB), a coalition of 20 human rights and development organisations. HRFB collaborated with the South Asian Feminist Alliance on Economic, Social and Cultural Rights (SAFA) and the International Land Coalition (ILC) to prepare the alternative report. Women with Disabilities Development Foundation (WDDF) supported the report by providing information on the rights of the disabled.

The reporting process was coordinated by Tamanna Hoq Riti from Ain o Salish Kendra (ASK), the Secretariat of HRFB. Dr. Hameeda Hossain, Advocate Sultana Kamal, Raja Devasish Roy, Dr. Iftekharuzzaman, Barrister Sara Hossain, Sheepa Hafiza, Zakir Hossain and Ranjan Karmaker provided their valuable suggestions.

We gratefully acknowledge the technical support, collaboration and encouragement received from the Programme on Women's Economic, Social and Cultural Rights International ([pwescr@pwescr.org](mailto:pwescr@pwescr.org)) and its Executive Director, Priti Darooka, in particular.

## Executive Summary

On 5 October 1998 Bangladesh acceded to the International Covenant on Economic, Social and Cultural Rights (ICESCR). Nearly two decades after it became due, the Government of Bangladesh (GoB) submitted its first compliance report under Part IV of the ICESCR in 2017. Human Rights Forum Bangladesh (HRFB) has produced this alternative report to focus upon the ICESCR situation in Bangladesh. The report aims firstly, to provide a civil society perspective on Economic, Social and Cultural Rights (ESCR) in the context of Bangladesh and secondly, to raise questions on each selected issue as a means of promoting greater accountability. Moreover, it reports on the compliance status of the Government with regard to the ICESCR. Finally, it intends to propose a set of practical recommendations for the Government to initiate necessary actions.

The formulation of the report comprised of a participatory methodological approach. Initially, a two-day long workshop was conducted to provide general guidelines to the member organisations on CESCR and ESCR reporting. It was followed by another workshop for selecting key issues on the basis of their importance and relevance with each section of ICESCR. Each organization prepared drafts of respective components on the selected and mandated issues. Later, these drafts were compiled to make this report and reviewed before sharing with the wider civil society, the National Human Rights Commission (NHRC), and the GoB. This report used a range of primary and secondary sources; the primary sources consist of the Acts of Parliament, Presidential Orders, Ordinances, Rules and the decisions of the Supreme Court. The secondary sources include the GoB reports to the CESCR including the reports prepared by Ministries. In addition to these, the report used information available on relevant websites and news sources as well as reports of non-governmental organizations.

The report has four sections and twenty-three sub-sections focusing on the 14 articles of ICESCR. The first section reports on

articles 1 to 5 and focuses on the rights of the religious, indigenous and ethnic minorities besides non-discrimination and women's status in Bangladesh. The following section on articles 6 to 9 includes areas like right to work as well as right to the enjoyment of just and favourable conditions of work. Moreover, it covers the topics of women worker's security, right to form and join trade unions, and social security in Bangladesh. The third part of this report highlights key issues related to articles 10 to 12 including themes of right to family life, right to adequate standard of living, and rights to health. Finally, the fourth section encompasses the key issues related to articles 13 and 14 with a focus on right to education. Each section under this report includes questions and recommendations on the above mentioned areas.

## List of Acronyms

ARV	- Antiretroviral Drug
ASK	- Ain o Salish Kendra
BBS	- Bangladesh Bureau of Statistics
BMP	- Bangladesh Mahila Parishad
CEDAW	- Convention on the Elimination of All Forms of Discrimination Against Women
CHT	- Chittagong Hill Tracts
CRC	- Convention on the Rights of the Child
GBV	- Gender Based Violence
GoB	- Government of Bangladesh
HIV	- Human Immunodeficiency Virus
HR	- Human Rights
ICT	- Information and Communication Technology
LGBT	- Lesbian, Gay, Bisexual and Transgender
MMR	- Maternal Mortality Rate
MoHA	- Ministry of Home Affairs
MoHFW	- Ministry of Health and Family Welfare
MOWCA	- Ministry of Women and Children's Affairs
NGO	- Non-Government Organization
OCC	- One Stop Crisis Centre
PSHTA	- Prevention and Suppression of Human Trafficking Act
RAB	- Rapid Action Battalion
RRF	- Result and Resource Framework
SDG	- Sustainable Development Goals
SRHR	- Sexual and Reproductive Health Rights
UN	- United Nations
UNFPA	- United Nations Population Fund
UNICEF	- The United Nations Children's Emergency Fund
VAW	- Violence Against Women
VPA	- Vested Property Act
VSC	- Victim Support Centres

# Section 1

## Articles 1-5

### Article 1: **Rights of Religious, Indigenous and Ethnic Minorities**

#### Key Issue 1: **Self Determination of Indigenous Peoples**

#### **Non-recognition as Indigenous Peoples**

- 1.1 The indigenous peoples (IPs) of Bangladesh are not constitutionally recognized. Through the 15<sup>th</sup> Amendment to the Constitution in 2011, the Government chose to term indigenous peoples as “tribes, minor races, ethnic sects and communities” (Article 23A), while also calling all the people of Bangladesh, irrespective of their ethnic, linguistic and cultural backgrounds, as “Bangalee” (Article 6.2). This is interpreted by rights groups as an example of non-recognition of non-Bengali peoples, including IPs, although a number of legal government documents interchangeably use the terms “tribal”<sup>1</sup>, “indigenous”<sup>2</sup>, “aboriginal”<sup>3</sup> and “Adivasi”<sup>4</sup>.

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1 The CHT Accord of 1997; CHT Regional Council Act 1998 (Act 12 of 1998); Rangamati, Khagrachari and Bandarban Hill District Council Acts 1989;

2 CHT Regulation, 1900; Finance Acts of 1995 and 2010; Poverty Reduction Strategy (PRSP-2008, 2019-10); 6th Five Year Plan; Perspective Plan for Bangladesh 2010–2021 (2010); Judgement of the Hon’ble Supreme Court of Bangladesh in Sampriti Chakma v. Commissioner of Customs and Others (5 BLC, AD, 29); Wagachara Tea Estate Ltd v. Md. Abu Taher and Others, 36 BLD (AD), 36 (2016).

3 East Bengal State Acquisition and Tenancy Act, 1950 (protected in the First Schedule of the Constitution of Bangladesh)

4 Statements of Hon’ble Sheikh Hasina, Begum Khaleda Zia and Dr. Fakhruddin Ahmed in goodwill messages on Indigenous Peoples’ Day, election manifesto of the present government, Small Ethnic Groups Cultural Institutions Act, 2010

- 1.2 The Small Ethnic Groups Cultural Institutes Act 2010 recognizes 27 small ethnic groups (of whom the “Usui” are a clan of Tripura people and the “Mong” do not exist), although IP organizations claim that there are at least 54 indigenous communities who are presently living in the country.<sup>5</sup> The definitions section uses the term ‘Adibashi’, the Bengali equivalent of indigenous, in explaining the meaning of the term “small ethnic groups”.
- 1.3 About 54 IPs speaking more than 35 languages live in Bangladesh, yet, Bangladesh abstained from voting for the UN Declaration on the Rights of Indigenous Peoples in 2007.<sup>6</sup>

### **Right to Determine Political Status/ Demographic Changes in the CHT**

- 1.4 Historically, the Chittagong Hill Tracts (CHT) was an exclusive indigenous inhabited area. Since the late 1970s, the then Government facilitated settlements of Bangalee people in the CHT from various other parts of the country. Since then, the region has experienced demographic changes converting IPs into a near-minority. This demographic change has adversely affected the right to self-determination of the IPs as well as their socio-cultural and economic life.
- 1.5 The CHT Accord of 1997, which recognizes the special demographic and administrative status of CHT compared to other parts of the country, remains far from fully recognized in the national constitution (see box 1 below). The plains IPs, who live outside the CHT also face denial of their identity.

### **Lack of Effective Implementation of Section 97 of SATA, 1950**

- 1.6 Implementation of Section 97 of The State Acquisition and

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5 Bangladesh Stakeholders’ Report by Human Rights Forum Bangladesh (HRFB) under second cycle of Universal periodic Review.

6 “Bangladesh,” IWGIA, n.d., <https://www.iwgia.org/en/bangladesh>, accessed December 16, 2017.

Tenancy Act (SATA) 1950 in Bangladesh<sup>7</sup> is weak, and the Government often fails to restore lands expropriated by illegal non-aboriginal occupiers. This occurs, despite legal provisions strictly restricting transfer of lands of 'aboriginal castes and tribes' other than to aboriginals domiciled in Bangladesh.

### **Box 1** Chittagong Hill Tracts Peace Accord: Expectation vs. Reality After 20 Years<sup>8</sup>

On 02 December 1997, The CHT Accord was signed between the then Awami League-led Government of Bangladesh and the Parbatya Chattagram Jana Samhati Samiti (PCJSS) to end the conflict in the region and to meet demands for autonomy. The main reasons behind the conflict were the erosion of constitutional safeguards, unrestricted immigration and discrimination in various spheres of life. By 1991, the percentage of the Bengali population in the CHT was 48.5% contrasting with 11.6% back in 1947. After 20 years, the most crucial provisions of the Accord remain largely un-implemented, particularly in relation to de-militarization, devolution, rehabilitation and resolution of land disputes. The PCJSS claimed that the Government verbally agreed to repatriate the government-sponsored Bengali settlers outside the CHT, which the government now denies.

## **No Election CHTRC and three HDCs since the CHT Accord**

- 1.7 The CHT Accord envisaged a special administrative system for the CHT by providing for the formation of CHT Regional Council and strengthening of three pre-existing Hill District Councils (HDCs) and the traditional system of Chief, Headman and Karbari. Twenty years after signing of the

7 See: GoB, 1951, The State Acquisition and Tenancy Act (SATA) 1950, Dhaka: GoB.

8 Mohammad Zaman, "The CHT Peace Accord: 20 Years On," The Daily Observer, December 1, 2017, <http://www.observerbd.com/details.php?id=110345>, accessed December 17, 2017.

Accord, no elections have been held for the HDCs and the CHTRC and, the traditional institutions remain un-funded and un-supported.

## **No Special Political Arrangement for the Plain Land Indigenous Peoples**

- 1.8 The special political arrangement for indigenous peoples in the plain lands remains unaddressed, since their traditional forms of self-government have not been recognized. There are no reserved seats for IPs in parliament or in local government councils (except for the CHTRC and DCs in the CHT). They are unrepresented in elected bodies because of demographic domination of the majority Bengali population, and unlike in case of the CHT, their traditional institutions are not recognized by law.

### **Questions**

1. When will the Government ensure constitutional recognition of indigenous peoples as IPs or otherwise with their free, prior and informed consent?
2. Does the GoB have a time-bound plan with clearly set out targets and responsibilities to fully implement the un-implemented provisions of the CHT Accord?
3. What actions has the Government taken to adequately empower the CHTRC and the three Hill District Councils (HDCs), and when will elections to the CHTRC and HDCs be held?
4. When will provisions be made for reserved seats for IPs in elected local bodies and parliament, both in the CHT and the plains?
5. What measures will the government undertake to reinstitute illegally and unfairly appropriated lands of indigenous peoples?



6. When will the government frame Rules for the CHT Land Disputes Resolution Commission and allocate sufficient manpower, logistics and funds to the Commission?

## **Recommendations**

1. Take concrete legal and administrative measures to ensure constitutional recognition of the distinct identity of the indigenous peoples by making provisions in laws and policies, and including their separate/independent enumeration in the census.
2. Adopt a specific, action oriented and time-bound roadmap consulting all the stakeholders to implement the CHT Accord within a year.
3. Allocate reserved seats in the plain land and CHT for indigenous peoples in the local bodies and National Parliament.
4. Ratify the ILO Convention No.169.
5. Take action to recognize the traditional institutions of the plains' IPs.

## **Key Issue 2: Land Rights of the Minorities**

### **Conflict over Vested Property**

- 2.1 The Constitution ensures religious freedom and equal rights in the practice of all religions, although Islam, being the religion of the overwhelming majority, remains the state religion. Partly because of this and partly due to use of religion and religious violence as political tools, an atmosphere of fear persists among the religious minorities. Bangladesh's non-Muslims in the plains faced threats resulting from operation of the Vested Property Act (VPA), 1974 which was identified as 'state sanctioned communalism'. Despite a high level of debate, the law has

remained in the statute books and continues to be used as a powerful weapon against religious minorities until April 2001. The Vested Property Return Act, 2001 was enacted to return the confiscated properties to their rightful Bangladeshi owners, or successors.

## **State's Failure to Prevent Land Grabbing by Influential Individuals**

- 2.2 However, due to weaknesses in the law itself, the provisions of the VPA have been applied deliberately or recklessly to grab large portions of land owned by both Bengali Hindus and Christians as well as Adivasis (indigenous people). In 2011-2013 six attempts were made to amend the VPRA but could not bring any substantive change.<sup>9</sup>

## **Delays in Return of Vested Properties**

- 2.3 Only 3.7 % of vested properties have been returned (up to June 2017)<sup>10</sup> since the Return Act was passed in 2001 and Tribunals and Appellate Tribunals were set up in 2012-14 in 61 districts. Minorities' families continue to suffer from harassment and bribery in the application process for releasing their lands.

## **Increased Violence against Ethnic and Religious Minorities**

- 2.4 Attacks on ethnic and religious minorities have increased manifold in recent years. It is often found that the influential locals often linked with the ruling party are involved in communal violence to grab lands owned by the minorities. Various other forms of violence against minorities persist as evidenced by case studies given below. At least 538 reported incidents of violence occurred against indigenous women and girls in Bangladesh from January 2007 to December

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9 Annual Report (2016-17), Ministry of Land, Government of Bangladesh, P-47

10 Ibid, P-46 [8,187.52 acres of Property has been released out of total 220,191.74 acres of land listed in the gazettes of schedule 'Ka']

2017.<sup>11</sup> Moreover, till December 2017, 12 indigenous women were raped, 4 were gang raped, 8 were killed/killed after rape, and 8 others were kidnapped.<sup>12</sup>

- 2.5 Besides, IPs are experiencing loss of their ancestral lands very frequently due to environmental degradation and development projects, extractive industry projects, as well as agricultural modernization projects without any Free, Prior and Informed Consent (FPIC) from IPs.

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### Case Study 1: **Eviction of Santals in Gobindaganj**

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On 06 November 2016, the police and Rapid Action Battalion (RAB) stormed the Santal and Bengali farmers' settlements in collaboration with the local powerful goons who were allegedly contracted by the Rangpur Sugar Mill Authority at Shahebganj-Bagda Farm area in Gobindaganj pazila of Gaibandha district.<sup>13</sup> The attacks were allegedly aimed at evicting the indigenous and Bengali farmers from the disputed land and establishing the control of the Sugar Mill Authority. At least 2 Santal men were shot dead, 3 Santal villagers were arrested, and 30 people including 17 indigenous men and 8 members of law enforcement agencies were seriously injured.<sup>14</sup> Instead of receiving justice, the victims were further exposed to insecurity. A case was filed against 42 Santal and Bengali farmers by citing their names along with those of 400 unknown villagers in the Gobindaganj police station.<sup>15</sup> The Mill Authority bulldozed the land and destroyed the remaining houses of the IPs just after the incident. In December 2016, the National Human Rights Commission,

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11 Kapaeeng Foundation, State of Indigenous Women and Girls in Bangladesh: Issues and Concerns at A Glance, Dhaka: Kapaeeng Foundation, 2016..

12 Ibid.

13 "Bangladesh: Attack on Indigenous and Bengali Farmers by Police-RAB-Local Goons of Sugar Mill in Rangpur: 2 Santal Shot Dead, 30 Including 8 Law Enforcers Injured, 3 Arrested, 1200 Families Flee," IPHRD Net, November 9, 2016, <http://iphrdefenders.net/bangladesh-attack-indigenous-bengali-farmers-police-rab-goons-sugar-mill-rangpur-santal-dead-30/>, accessed December 16, 2017.

14 Ibid.

15 Ibid.

following their visit to the location of the incident,<sup>16</sup> said that the eviction of the Santals from their village in Gobindaganj was illegal. In February 2017, the High Court (HC) issued a rule to inquire about the initiatives taken to rehabilitate the evicted Santal people. Although more than a year passed, the Police Bureau of Investigation (PBI) made no headway in its investigations into the killing of two Santals and the burning down of homes of many more during the eviction.<sup>17</sup>

### Case Study 2: **Habiganj Tea Workers Protest of acquisition of Khas land to Set up Special Economic Zone (SEZ)**

In the name of ‘speeding up’ economic growth, the Government sanctioned 511.83 acres of Khas land to set up a Special Economic Zone in Chunarughat, Habiganj. The land was part of 951 acres of land area leased by a tea company 150 years ago. Three generations of plantation workers have been cultivating crops including paddy in these lands, and have also paid the land price in instalments over the years, out of their hard-earned savings. The workers protested in vain against the government decision to deprive them of their land which has been their only source of income and sustenance for over a century and a half.

## **No Rules to Implement the CHT Land Dispute Resolution Commission Act**

- 2.9 The Government has amended the disputed provisions of the CHT Land Dispute Resolution Commission Act 2001 in Parliament on 06 October 2016. However, little progress has been made on land dispute resolution as Rules under the Act have not been framed, nor has the CHT Land Commission

16 Reazul Hoque, “NHRC: Gobindaganj Santals evicted illegally” Dhaka Tribune, December 13, 2016, <http://www.dhakatribune.com/bangladesh/2016/12/13/nhrc-gobindaganj-santals-evicted-illegally/> accessed on February 14, 2018

17 “No progress in Probe”, September 29, 2017, <http://www.newagebd.net/print/article/25071>, accessed on February 14, 2018.

been extended the necessary logistical, infrastructural, manpower and financial support. The CHT Regional Council has not submitted draft Rules to the Government on 01 January 2017, but no progress has been made so far nor has a new Chairman of the Commission been appointed to succeed the former Chairman whose tenure has long ended.

## Questions

1. What actions has the Government taken to stop forced eviction of the minorities and IPs from their land?
2. By when will the Government adopt Rules under the CHT Land Dispute Resolution Commission Act? When will the CHT Land Commission be made effective by providing required human and logistical resources and budget?
3. How will the Government address the issue of rehabilitation of forcibly evicted families, especially the minorities, and when will perpetrators of such evictions and forcible occupations be brought to justice?

## Recommendations

1. Take necessary steps to speed up the disposal rate of VP release applications.
2. Take punitive actions against Government officials and other actors engaged in corruption and harassment in the release process.
3. Establish inclusive monitoring bodies centrally and for every district, on implementation of the VPRA.
4. Recognize IPs' collective rights, in particular, the right to land, territories and natural resources.
5. Ensure proper and speedy resolution of land disputes in accordance with the amended CHT Land Disputes Resolution Commission Act 2001.

6. Update the list of Adivasi peoples' names under section 97 of State Acquisition and Tenancy Act, 1950; amend the Act in

implementing the existing land distribution policy.

2. Adopt integrated land-use planning to fulfil land demand for various uses such as agricultural, industrial, and housing purposes.
3. Ensure IP land rights in legal framework following ILO Convention 107 and 169, and the UN Declaration on the Rights of Indigenous Peoples.
4. Eliminate discriminatory provisions of the laws and ensure equal rights of women on land ownership.

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18 land means government owned fallow land, where nobody has property rights. It is land which is deemed to be owned by the Government and available for allocation according to the Government priorities.

19 Association for Land Reform Bangladesh (ALRD), Bangladesh Land Status Report 2015, Dhaka: ALRD, 2016.

20 Abul Barakat, *Poverty and Access to Land in South Asia: Case of Bangladesh*, The Natural Resources Institute, University of Greenwich, Kent, UK, 2004. Also see: Abul Barakat and Prasanta K. Roy, *Political Economy of land Litigation in Bangladesh: A Case of Colossal National Wastage*, Dhaka: ALRD and Nijera Kori, 2004.

21 See: <http://unnayan.org/reports/agri/Landmarket.pdf>





## Article 2: Non-Discrimination

### Key Issue 4: Anti-Discrimination Law - Delay in Approval

- 4.1 Article 27 of the Constitution guarantees “equality before law” and “equal protection of law” while Article 28 prohibits discrimination only on the grounds of race, caste, religion, sex or place of birth. Nevertheless, discrimination against minorities, including their most marginalized communities, remains pervasive.<sup>22</sup> The Law Commission of Bangladesh prepared a draft of the Anti- Discrimination Act in 2014 to uphold the human rights of these peoples. This was done following consultations with the National Human Rights Commission, Bangladesh (NHRC, B), representatives of some minority communities and legal experts.<sup>23</sup> However, it has remained under review for last three years causing frustration among the stakeholders.

### Questions

1. When will the Government finalise and enact the Anti-Discrimination Act?
2. Will the Government ensure time-bound implementation of the law, when enacted?

### Recommendations

1. Take specific actions to finalize and enact the Anti-Discrimination Law, adopt a time-bound implementation plan and arrange appropriate capacity development measures of government officials and other stakeholders to implement the law.

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22 Mohammad Golam Sarwar, “Analysing the draft Elimination of Discrimination Act,” *The Daily Star*, June 20, 2017, <http://www.thedailystar.net/law-our-rights/law-analysis/analysing-the-draft-elimination-discrimination-act-1422682>, accessed December 30, 2017

23 Ibid.

2. Ensure that no discriminatory provisions or language exist in the draft of the Anti-Discrimination law.

## Violence against Religious Minorities

- 4.2 Recently the social media has been frequently misused as a tool of spreading hatred and violence against religious minorities. Spread of fake and false comments, misinformation, distorted pictures etc., designed to create religious hatred by using forged social media accounts, distorted pictures and false information, by unscrupulous elements, have led to unprecedented attacks against minorities communities.

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### Case Study 1: Violence against Hindu Minorities in Nasirnagar

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On 30 October 2016, a mob consisting of nearly 3,000 local people destroyed 17 temples and looted 58 houses of the minority Hindu population residing in that area reportedly over an allegedly defamatory post in Facebook by a Hindu youth named Rasraj.<sup>24</sup> More than 100 people including women were injured during the incident; victims blamed the local influential leaders in this matter. Later on, it was discovered that Rasraj's account had been hacked prior to the attack. By then, temples were vandalized in at least 7 other districts as a backlash.<sup>25</sup> The only action taken was that the Awami League suspended 3 of its Nasirnagar unit leaders for the alleged involvement in the incident.

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24 Kamrul Hasan, "Nasirnagar Violence Case: No Visible Progress Yet," *Dhaka Tribune*, November 7, <http://www.dhakatribune.com/bangladesh/crime/2016/11/07/nasirnagar-violence-case-no-visible-progress-yet/>, accessed December 17, 2017.

25 Hasan, "Nasirnagar Violence Case: No Visible Progress Yet".

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## Case Study 2: **Violence against Buddhist Minorities in Ramu, Ukhiya and Teknaf**

On 29 September 2012, a series of attacks on Buddhist inhabitants were conducted in Ramu, Ukhiya and Teknaf Upazilas of Cox's Bazar.<sup>26</sup> Seven Buddhist monasteries were totally burned down and thirteen others were partly torched, vandalized, or looted by the attackers. 27 houses were completely destroyed while 77 others were damaged.<sup>27</sup> This violence took place reportedly in reaction to a Facebook post where an image of desecration of the Holy Quran was uploaded by faking the Facebook profile of Uttam Barua, a local Buddhist. Perpetrators were not brought to justice in this case either.

### Questions

1. Why has the Government been inactive in investigating and prosecuting those responsible for attacks on minorities?
2. What concrete actions has the Government taken to protect minorities from such attacks?
3. Have the victims of such attacks received adequate protection and compensation?

### Recommendations

1. Ensure access to justice for minorities groups, especially women, and bring the perpetrators to justice by forming a special body to investigate the cases of violence against women.
2. Strengthen skills in cyber technology to investigate such incidents and increase sensitivity of law enforcement

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26 "Buddhist Temples, Homes Burned, Looted in Ramu," *Bdnews24*, December 29, 2012, <https://bdnews24.com/bangladesh/2012/09/29/buddhist-temples-homes-burned-looted-in-ramu>, accessed December 17, 2017.

27 Ibid.

agencies to address the issues related to ethnic and religious minorities.

## **Discrimination against Sexual and Gender Diverse Populations**

- 4.3 Sexual and gender diverse population in Bangladesh face numerous difficulties in accessing citizen services. They are discriminated, stigmatized, and harassed by the dominant society or individuals on the basis of their sexual orientation, gender identity, behaviours and sexual practices. There have been grave human rights violations faced by the victims, such as discrimination based on physical or cultural characteristics, sexual violence, and gender discrimination at the workplace to name a few. This is due to lack of legal protection and social marginalization.
- 4.4 Homosexuality is illegal in Bangladesh and remains a highly sensitive issue in society. There are explicitly discriminatory laws - Section 377 of the Penal Code criminalizes “carnal intercourse against the order of nature.” The Government of Bangladesh opposed the idea of providing rights to the Gender Diverse Communities stating that it is not a generally accepted norm of the country. However, the draft Anti-Discrimination Law mentions that no discrimination should to be made based on one’s sexual orientation.
- 4.5 In addition to legal weaknesses and social stigma based on religious, cultural beliefs and traditions, the Government’s neglect to uphold the provisions of relevant international obligations also contributes to violent acts and discrimination against the sexual and gender diverse communities.
- 4.6 In spite of being officially recognized by the Government as third gender and being granted the right to be enlisted as voters as well as having the right to obtain a passport with the gender identity “X”, persons belonging to third gender (commonly known as “Hijras”) are still denied basic rights in

various sectors, such as: health, education, and housing. These individuals also suffer from denial of equal rights in their families especially when it comes to inheritance of property. Moreover, society also shuns them.

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### Case Study 1: **Termination of Job after Identity Disclosure**

Sohel Rana (27) had been working for 10 years in a medical institution as a cleaner.<sup>28</sup> After his identity as hijra was disclosed, the employer terminated him from his job without any notice. Acknowledging the matter, Bandhu Social Welfare Society referred the case to the National Human Rights Commission, Bangladesh (NHRC, B). With a number of hearings, The National Human Rights Commission mediated the matter and recovered his dues and recommended reinstatement. However, the employer refused to comply and sent Sohel Rana for medical examination; this matter is now under trial.

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### Case Study 2: **Legal Barriers in Changing Gender Identity**

Tanisha Yasmin (Choity) chose to change her name and gender identity in all her academic certificates and legal documents.<sup>29</sup> She applied to the Ministry of Education, underwent a medical examination, and filed a complaint at the National Human Rights Commission. She got no redress due to the absence of any legal procedure for recognizing her changed gender identity.

## Questions

1. When will sexual and gender diverse population be provided with equal opportunities and rights?
2. When will the Government define Hijras in conformity with the WHO definition?

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28 Case study was contributed by a partner NGO of Human Rights Forum Bangladesh (HRFB).

29 Ibid

## Recommendations

1. Identify and amend provisions in laws and policies to eliminate discrimination based on gender and sex.
2. Take steps to incorporate comprehensive sexuality education in the national curriculum.
3. Adopt specific laws or policies to ensure recognition of gender identities.
4. Acknowledge the existence of sexual and gender minorities and incorporate this into relevant policies.
5. Reform section 377 of the Penal Code, thus de-criminalizing consensual adult same-sex activities and ensuring their rights to association.

## Status of Dalit Community in Bangladesh

- 4.7 It is estimated that 5.5 to 6.5 million Dalits live in Bangladesh. They are one of the most deprived communities in regard to socio-economic development. Dalits in Bangladesh are usually involved with most menial, low paid, dangerous jobs such as cleaning toilets, sweeping streets, and emptying septic tanks. Some 43% of Dalit population live on sweeping and cleaning jobs;<sup>30</sup> 22% are involved with agriculture while 14% are in daily labour usually in tea gardens; the monthly income of 42% of Dalit families is within \$50 to \$55. Among them, 18% earn from \$55 to \$100, 17% earn around \$100 and 12% families earn between \$110 to \$150. Only 11% Dalit families earn more than \$150 monthly.<sup>31</sup>
- 4.8 Dalit children study in unfriendly environment, and regularly face abusive words, teasing and taunting on the basis of their caste identity. This results in high drop outs from primary education. Around 26% of the respondents face obstacles in

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30 Nagorik Uddyog, *Bangladesher Dalit Somaj: Boishommyo, Bonchona O Osprishshota*, Dhaka: Nagorik Uddyog and Bangladesh Dalit and Excluded Rights Movement, 2013.

31 Ibid.

admission to non-community schools due to family and caste identity.<sup>32</sup> In many cases, Dalit children have to hide their identity to get admission to schools. Some 30% of Dalit students experienced abuse or hatred from their classmates and others including teachers. Moreover, 6.5% of the respondents said they still had to sit on separate benches in school. 21% of Dalits face discrimination in getting medication from hospitals.<sup>33</sup> Currently, there is no official recognition that specific groups, such as Dalits, are particularly vulnerable to ill-health, and therefore, deserve special protection and access to health entitlements.

## Questions

1. When will the government ensure a non-discriminatory work environment and equal wage scale for the Dalits?
2. When and how will the Government ensure proper education for the Dalit children, access to adequate health services and access to clean water and sanitation for the Dalit children?

## Recommendations

1. Recognize Dalits as 'special' community; produce disaggregated data along with head-count poverty status of this community and undertake special employment and livelihood development programmes for Dalits.
2. Continue special budget allocation for Dalits; increase coverage of social safety net programmes for them by emphasizing skill development trainings for Dalit men and women and ensuring proper implementation of these services.
3. Introduce reservations (quotas) for Dalits in Government and autonomous jobs and ensure discrimination free environment in workplace.

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32 Nagorik Uddyog, *Bangladesher Dalit Somaj: Boishommyo, Bonchona O Osprishota*.

33 Nagorik Uddyog, *Bangladesher Dalit Somaj: Boishommyo, Bonchona O Osprishota*.

4. Health and nutrition policies in Bangladesh need to categorically refer to the disadvantageous condition of the Dalits and provide frameworks for improving their health and wellbeing.

## Rights of Urdu Speaking People

- 4.9 Urdu-speaking people in Bangladesh, known as 'Biharis', have struggled to establish their rights of citizenship. It is estimated that there are more than 300,000 Urdu speaking people in Bangladesh, half of whom live in 116 camps all over the country.<sup>34</sup>
- 4.10 Following the 2008 High Court decision<sup>35</sup>, Urdu speaking people have been recognized as citizens of Bangladesh and entitled to secure National Identity Cards and their voting rights. Economic activities of Urdu speaking people are limited. Only 0.3% of the total respondents are reportedly employed in the public sector while 3.2% are employed in private companies.<sup>36</sup> 0.1% have a large/big business while others somehow survive with a meagre income which shows a high level of poverty.
- 4.11 The housing conditions of 116 recognized "Bihari Camps" in Bangladesh are in dire situation. In general, entire families, sometimes three generations, live in one tiny house, usually less than 8x10 feet.<sup>37</sup> When it rains, the camps get flooded, toilets included. In many "Bihari camps" in Dhaka, floors of the houses are weak and prone to crumbling.
- 4.12 A recent survey states that 65.3% of respondents said their children go to school.<sup>38</sup> However, most respondents (88.7%)

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34 Ahmed Ilias, "Biharis: Citizens without Benefits," *The Opinion Pages*, June 13, 2012, <https://opinion.bdnews24.com/2012/06/13/biharis-citizens-without-benefits/>, accessed December 18, 2017.

35 Writ Petition No. 10129 of 2007. Md. Sadaqat Khan (Fakku) vs Chief Election Commissioner, Citation: 60 DLR (AD) (2008) 407 Delivery Date: 2008-5-18

36 Islamic Relief Bangladesh, *Human Rights Situation of Urdu-Speaking Community in Dhaka City*, Dhaka: IRB, 2016.

37 Ibid.

38 IRF, *Human Rights Situation of Urdu-Speaking Community in Dhaka City*.



said that due to financial crisis their children dropped out from school while 85% of those who were not enrolled in school stated that poverty was the main reason.<sup>39</sup>

## Questions

1. When and how will the Government ensure equal rights and opportunities for Urdu speaking communities across the country?
2. When and how will the Urdu-speaking children receive equal access to education, health and other services?

## Recommendations

1. Ensure basic rights of Urdu-speaking people as well as their access to basic services and amenities without any discrimination.
2. Take effective action to ensure rights to education of children in this community.

## Status of Persons with Disabilities

- 4.13 According to the “World Report on Disability” jointly published by World Health Organization (WHO) and World Bank in 2011, the estimated number of Persons with Disabilities (PWDs) in Bangladesh, is around 24 million, which constitutes 15 % of total population.<sup>40</sup> Half of them are girls and women.
- 4.14 PWDs are deprived from their equal rights as the citizen’s of the country. They haven’t been included in the mainstream development process. They have limited access to education, medical care, shelter, food and recreation. The “Persons with Disabilities Rights and Protection Act 2013” and “Neuro Developmental Disability Trust Act 2013” was passed by the Parliament in line with “United Nations Convention on Rights

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<sup>39</sup> Ibid.

<sup>40</sup> [www.who.int/disabilities/world\\_report/2011/report.pdf](http://www.who.int/disabilities/world_report/2011/report.pdf).

of Persons with Disabilities (UN CRPD)”. However, proper implementation and enforcement of these is still a big challenge.

## Questions

1. What initiatives has the Government taken to ensure basic and special services for the PWDs without any discrimination?

## Recommendations

1. Ensure effective implementation of Persons with Disabilities Rights and Protection Act 2013 and Neuro Developmental Disability Trust Act 2013.
2. Ensure accessibility of the PWDs to public places and transports.
3. Train police officers, lawyers and judges to deal with PWDs and learn communications with Sign Language.

## Rights of the Refugees

4.15 Bangladesh has a long experience of dealing with the refugee crisis. Although Bangladesh has been providing shelter for refugees for a long time, it has not yet signed the 1951 Refugee Convention or Protocol of 1967.<sup>41</sup> Bangladesh has not yet formulated any law relating to political asylum and refugees. Although there are some provisions in the Constitution that might protect some fundamental rights of the refugees, those provisions have not been implemented effectively yet.

4.16 The formulation of a national law on refugees has become very urgent, because in the absence of any relevant law, refugees are treated under the law with provisions that are applicable to

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41 শেখ সাদী রহমান, “বাংলাদেশে শরণার্থী সংক্রান্ত আইনের প্রয়োজনীয়তা,” *যায়যায়দিন*, February 19, 2012, [http://www.jaijaidinbd.com/?view=detailsandarchiev=yesandarch\\_date=19-02-2012andfeature=yesandtype=singleandpub\\_no=43andcat\\_id=3andmenu\\_id=76andnew\\_s\\_type\\_id=1andindex=0](http://www.jaijaidinbd.com/?view=detailsandarchiev=yesandarch_date=19-02-2012andfeature=yesandtype=singleandpub_no=43andcat_id=3andmenu_id=76andnew_s_type_id=1andindex=0), accessed December 30, 2017.

foreigners. In this way, the safety of refugees, especially of women and children, is rarely considered. In most cases political asylum seekers and refugees are treated on the same footing by the existing administrative provisions which are usually discriminatory and biased.

## **Box 2** Multidimensional Challenges in the wake of Rohingya influx

For the past 25 years, Bangladesh has long been dealing with the flow of Rohingya refugees from Myanmar, and in the last few months the crisis has become more complex. Due to state-sponsored violence widely regarded as genocide at Rakhine State of Myanmar, since 25 August 2017, an estimated 688,000 Rohingya have crossed the border into Cox's Bazar<sup>42</sup> of Bangladesh. According to credible sources, 400,000 Rohingyas were already living in Bangladesh before the latest influx.<sup>43</sup> 58 per cent of new arrivals are children and 60 per cent of them are girls and children<sup>44</sup>. Among the women, a significant number, around 3 per cent are pregnant and 7 per cent are lactating mothers<sup>45</sup>. A study shows that nearly 40,000 among the refugee children are orphans.<sup>46</sup>

In the densely-populated settlements, with poor sanitation and hygiene conditions, as well as much less than required clean water and sanitation services, outbreak of diseases like cholera or acute watery diarrhoea, and diphtheria is widely feared. As of 03 February 2018, a total of 5,253 cases clinically suspected with diphtheria were reported<sup>47</sup>.

As per the report of Inter-Sector Coordination Group (ISCG), around 3 per cent of children are suffering from life-threatening severe acute malnutrition in the biggest settlement (Kutupalong). An estimated 400,000 Rohingya children are also in need of psychosocial support and other protection and education services<sup>48</sup>. On the other hand, the most vulnerable and marginalized women and girls are among the first to experience additional access barriers to scarce and overstretched

humanitarian relief services. Many Rohingya refugee households are female headed. Female-headed and elderly

42 <https://reliefweb.int/report/bangladesh/rohingya-refugees-crisis-who-bangladesh-weekly-situation-report-12-03-february>

43 সুলতান মাহমুদ রানা, “রোহিঙ্গা সমস্যা ও আন্তর্জাতিক সম্প্রদায়,” *NTV Online*, November 10, 2017, <http://www.ntvbd.com/opinion/153235/রোহিঙ্গা-সমস্যা-ও-আন্তর্জাতিক-সম্প্রদায়>, accessed December 30, 2017.

44 See: <https://reliefweb.int/report/bangladesh/bangladesh-humanitarian-situation-report-no15-rohingya-influx-17-december-2017>.

45 <https://reliefweb.int/report/bangladesh/bangladesh-humanitarian-situation-report-no21-rohingya-influx-4-february-2018>

46 See Daily Star, 40000 Orphans, 14 January 2018, available at <http://epaper.thedailystar.net/index.php?opt=viewandpage=1anddate=2018-01-14>

47 <https://reliefweb.int/report/bangladesh/rohingya-refugees-crisis-who-bangladesh-weekly-situation-report-12-03-february>

48 <https://reliefweb.int/report/bangladesh/bangladesh-humanitarian-situation-report-no21-rohingya-influx-4-february-2018>

49 <https://reliefweb.int/report/bangladesh/gender-brief-rohingya-refugee-crisis-response-bangladesh-october-2017>

50 <http://www.askbd.org/ask/2017/10/30/rohingya-refugees-crisis-asks-observation/>

time, take proactive diplomatic initiatives in order to ensure that the burden arising out of refugee influx is shared by the international community more substantially and sustainably.



# Article 3: Equal Rights of Men and Women

## Key Issue 5: Status of Women in Bangladesh

### Improved Performance in Global Gender Gap Report

- 5.1 For the third consecutive year, Bangladesh has ranked 1<sup>st</sup> among the South Asian countries in Global Gender Gap Report of World Economic Forum. Globally Bangladesh stands 47<sup>th</sup> among the 144 nations. It has moved 25 ranks upward in the index compared to previous year.
- 5.2 Moreover, Bangladesh has secured the 3<sup>rd</sup> rank among lower-middle income nations and ranked 7<sup>th</sup> in the political empowerment score. Back in 2008, Bangladesh ranked 91<sup>st</sup> among 115 countries. So, Bangladesh has made tremendous progress in closing the gender gap so far.

**Table 1:** Bangladesh’s rank within South Asia in the Global Gender Gap Report 2017<sup>51</sup>

SOUTH ASIA		
Country	Overall Rank	Overall Score
Bangladesh	47	0.719
Maldives	106	0.669
India	108	0.669
Sri Lanka	109	0.669
Nepal	111	0.664
Bhutan	124	0.638
Pakistan	143	0.546

### Discriminatory Status of Women

- 5.3 Article 28(2) of The Constitution of Bangladesh guarantees equal rights of men and women in all spheres of state and

51 “The Global Gender Gap Report 2017” (World Economic Forum, 2017), [www3.weforum.org/docs/WEF\\_GGGR\\_2017.pdf](http://www3.weforum.org/docs/WEF_GGGR_2017.pdf).

public life. This guarantee, however, does not extend to individual's life.

- 5.4 Personal laws (related to marriage, divorce, inheritance, guardianship, and custody) have generally been in conformity with the religious provisions, which are often discriminatory between men and women and also among women of different religions.
- 5.5 Bangladesh Government is still maintaining its reservation to Articles 2 and 16(1) (c) of CEDAW Convention on the grounds that they are in direct contradiction with the Shariah and other personal laws.
- 5.6 Sexual Harassment Prevention Act is yet to be enacted in light of the High Court directives.
- 5.7 Women's participation in parliament, especially the number of women in regular seats has not increased significantly because of the money, muscle and power required in politics. The provisions of the Representation of the People Ordinance (RPO) 2008 on the participation of women have not been implemented yet.

## Questions

1. What concrete measures will the Government of Bangladesh take to address the issue of women's equal rights in public sphere as per Constitution? And when?
2. When will the Government fix a deadline to withdraw the remaining reservations from CEDAW articles as it promised on many occasions?
3. When and how will the Government adopt uniform family laws to ensure equal rights of women of all religions?
4. When will the Government fulfil its commitment to ensure direct elections of women to 1/3 reserved seats (100) in the Parliamentary elections?



## Recommendations

1. Amend the Article 28(2) of the Constitution to expand equal rights of men and women in private sphere.
2. Withdraw reservation from Article 2 and 16.1(c) of the CEDAW which is of fundamental importance.
3. Ensure equal property rights and equal rights of marriage and divorce for all women regardless of religion, caste and ethnicity.
4. Take immediate measures to implement the provisions of RPO, such as, 33% representation of women in all segments of the political parties and the commitments for 100 reserved seats for women through direct election.



# Section 2

## Articles 6-9

### Article 6: **Right to Work**

#### Key Issue 6: **Definition of Worker**

6.1 According to the Bangladesh Labour Law 2006, only 62 sectors are considered as employment, however, minimum wage is not fixed for all these listed sectors. As per Section 139(6) of Bangladesh Labour Law 2006, there is a provision that minimum wage will be reviewed in every five years.<sup>52</sup> But in the amendment of 2013 a new section 140(KA) was included, which allows the Government to declare minimum wage at any time for any sector, if necessary. Few sectors, such as, readymade garments (RMG), shrimp, and hotel/restaurant used to review minimum wage every five years. Most of the informal sector workers are still out of the protection of Labour Law and those who are covered by the Labour Law do not have sufficient scope to enjoy the legal rights.

#### Questions

1. What initiative has the Government adopted to fix living wage for all the declared sectors?
2. What measures has the Government taken to confirm and extend hazardous sectors list?
3. When will the Labour Law be revised to protect and provide facilities to all the workers especially informal sector workers?

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<sup>52</sup> Ibid.

## Recommendations

1. Ensure the protection of all workers by including all the sectors i.e. agricultural workers, domestic workers etc., within the purview of Bangladesh Labour Law.
2. Fix and declare National living Wage for all the workers by 2018.
3. Include more job sectors i.e. domestic works, re-rolling mills, chemical factories, machine tools workshops etc., in hazardous sector category in the Labour Law.
4. Ensure job security for the contractual workers appointed through outsourcing.

## Status of Child Labour

- 6.2 Bangladesh signed the Worst Forms of Child Labour Convention, 1999 (International Labour Organization Convention No. 182). Bangladesh also evidenced a sharp decline of child labour scenario between 2005 and 2015. It reduced from 4.91 million to 2.48 million in 2015.<sup>53</sup> According to Factories Act 1965, it is prohibited to employ any child who is less than 14 years old,<sup>54</sup> in hazardous work. Furthermore, the Minimum Wages Rules 1961 suggests that child labourers cannot be paid lower wage from the amount agreed upon. Despite all these Acts, the condition of the child workers is not improving much in reality.
- 6.3 The number of child labours among the 5-14 years old children in Bangladesh is 19%.<sup>55</sup> For boys, the ratio is 21.9% and for girls, it is 16.1%. Under the Child Labour Prevention project of the government (4<sup>th</sup> Step), 50,000 child workers

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53 "Child Labour Curbed in Last 10 Years," *The Daily Star*, April 30, 2015, <http://www.thedailystar.net/city/child-labour-curbed-last-10-years-79885>, accessed December 25, 2017.

54 মীর শামসুর রহমান, "শিশুশ্রম," *বাংলাপিডিয়া*, May 5, 2014,

[bn.banglapedia.org/index.php?title=wkik%g](http://bn.banglapedia.org/index.php?title=wkik%g), accessed December 20, 2017.

55 নাসিমা বেগম, "মানব সম্পদ উন্নয়নের প্রতিবন্ধক: শিশু-শ্রম," *ParsToday*, May 27, 2016, [parstoday.com/bn/news/bangladesh-i10471](http://parstoday.com/bn/news/bangladesh-i10471), accessed December 20, 2017.

will get 18 months long semi-institutional education and skill development training. But compared to 32 lakhs of child workers, the number is really low and any long term improvement from this project seems doubtful.

- 6.4 The Government laid out the National Child Labour Elimination Policy in 2010, in which it promised to ensure that ‘no child would be working in hazardous jobs by the end of 2015’. Moreover, it also aimed to remove child labour from Bangladesh by 2016. The Government is far from fulfilling these commitments. Only the readymade garment sector and the shrimp industry – two of the 38 sectors identified in 2012 – are entirely free from child labour, as reported by the government. Other sectors, such as the transport industry, still have large number of children engaged as workers besides many are still engaged in hazardous jobs.<sup>56</sup> Inadequate number of labour inspectors and weak law enforcement also play a role in perpetuating the continuation of child labour. Various reports show that inspections are taking place in formal sectors where children are working; however, inspections are rarely conducted in informal sectors, such as unregistered factories and other establishments, where children are more likely to be employed and exploited.<sup>57</sup>
- 6.5 Child domestic work conforms to the key attributes of the definition of hazardous work according to ILO convention 182<sup>58</sup> and ILO recommendation 190<sup>59</sup>, yet the government has kept domestic work off the list of hazardous work, including omitting it from the Labour Act 2013 (amended). The formulation of the Domestic Workers Protection and Welfare Policy in 2015 represents a positive step in this regard;

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56 Dhaka Tribune, <http://archive.dhakatribune.com/BANGLADESH/2016/JAN/19/CHILD-LABOUR-STILL-RISING>

57 Snapshot of Success, available at <https://bangladesh.savethechildren.net/sites/bangladesh.savethechildren.net/files/library/CRC@25%20Report.pdf>,

58 Article 3 of ILO Convention 182 states that “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children”. available at <http://www.ilo.org/ipec/facts/WorstFormsofChildLabour/Hazardouschildlabour/lang-en/index.htm>,

however, as policy is not legally enforceable, it is necessary to enact laws in order to effectively regulate the sector.

### Box 3 Illegal Employment of Child Labourers in Bidi (Tobacco) Factories<sup>60</sup>

65 thousand workers are now working in the *bidi* and cigarette factories of the country. Unfortunately, half of them are children although child labour in this industry is prohibited. There are 117 *bidi* factories in total in Bangladesh. The number of workers listed in these factories is only 65 thousand. According to available data, the majority of the children engaged in different steps of the *bidi* production process are 4 to 12 years old. According to Haragach Bidi Sramik Union leaders and workers of the factory, currently 35 *bidi* factories are open at Haragach, which amount to almost 30 percent of the country's total *bidi* factories. The number of workers working in these factories is about 40 thousand. 20 thousand of these workers i.e. 50 percent are children. Of the remaining, 20 thousand, 12 thousand (30 percent) are women and 8 thousand (20 percent) are men. About 15,000 of the child labourers go to school regularly or irregularly. The rest do not go to school. According to locals, children working in *bidi* factory cannot continue their study for long enough. Most of them discontinue their study from the fifth grade. Similarly, according to the journalists and *bidi* workers of Lalmonirhat district, it is reported that about 21,000 workers are working in 9 *bidi* factories (about 7.7 percent of the country's *bidi* factories) in this district. About 70 percent of them (14,700) are children. These children, who are engaged in various steps of *bidi* making, are 4-14 years old. The wages of child labourers are very small. By working from 4am to 9pm in the evening, a child labour can make 4,500 *birithosas* on average. For making each thousand *thosas*, he/she gets only 7.50 taka.

60 “বিড়ি কারখানার মোট শ্রমিক ৬৫ হাজার, অর্ধেকই শিশু,” *Bangla Tribune*, June 13, 2017, <http://www.banglatribune.com/business/news/215207/দেশে-বিড়ি-কারখানায়-শিশু-শ্রমিকের-সংখ্যা-৬৫-হাজার>, accessed December 26, 2017.

## Questions

1. What steps has the Government taken to prevent child labour?
2. What steps have been taken so far to ensure basic rights for the existing child labourers?
3. When will the Government completely eliminate child labour?

## Recommendations

1. Take effective time-bound action plan to totally eliminate child labour from Bangladesh.
2. Train industries and informal sectors on child rights and laws under Corporate Social Responsibility (CSR) projects.
3. Take special measures for ensuring basic rights for the existing child labourers.
4. Establish an independent cell in order to monitor the effective implementation of child labour laws across different sectors.
5. Initiate more awareness programmes at the grassroots level of the society regarding the mental and physical risks of child labour.

# Article 7: Right to the Enjoyment of Just and Favourable Conditions of Work

## Key Issue 7: Access to Equal Opportunity of Work for the Persons with Disabilities

- 7.1 Persons with Disabilities (PWDs) experience exclusions in the Micro Finance Institutions (MFIs) in Bangladesh.<sup>61</sup> It is discovered that PWDs experience enormous discrimination, for example, social-political and physical discrimination. Critical boundaries exist including less access to credit, Government's support, and access to social safety net programmes. These individuals frequently place themselves into 'benefit traps'.
- 7.2 The Government of Bangladesh introduced one percent quota for PWDs in public services<sup>62</sup> However, this standard has never been properly executed because of the absence of sensitivity among the employers about the possibilities of people with disabilities, conflicting work arrangements, escape clauses in the system, and an absence of appropriate supervising framework.

### Questions

1. What is Government's plan to make social safety net programmes more accessible for the PWDs?
2. When will the Government adopt rules for ensuring that reasonable accommodation in educational institutions and

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61 Debashis Sarker, "Inclusion of Disabled People in Microfinance Institutions: Where Does Bangladesh Stand?," *International Journal Of Innovation And Economic Development* 1, no. 1 (2015): 67–79, <https://doi.org/10.18775/ijied.1849-7551-7020.2015.11.2007>.

62 Khandaker Jahurul Alam, "Bangladesh and Persons with Disabilities," *Asia-Pacific Human Rights Information Center*, March, 2009, <https://www.hurights.or.jp/archives/focus/section2/2009/03/bangladesh-and-persons-with-disabilities.html>, accessed December 22, 2017.



workplaces be prepared as per Persons with Disabilities Rights and Protection Act?

3. When will the Government take effective measures to implement building code for ensuring access of PWDs?

## Recommendations

1. Allocate more quotas in the Government jobs for the PWDs.
2. Prepare guideline/policy/rules viz. Persons with Disabilities Rights and Protection Act.
3. Ensure opportunities for PWDs in the private and corporate sectors.
4. Ensure accessibility of PWDs in all public, private and peoples institutions.

## Key Issue 8: Conditions of Workplaces

- 8.1 The Bangladesh Labour Law 2006 (Chapters 5-7) specifies general safety and security issues for the workers but sector specific safety and security issues are not mentioned in the law.
- 8.2 Despite substantial progress following the Rana Plaza disaster<sup>63</sup>, poor working conditions and safety standards in readymade garment and other factories continue to be a major concern. Due to lack of proper monitoring of working conditions, employers ignore the security and safety of the

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63 Tazreen Fashion Factory's fire incident in 2012 and Rana Plaza's collapse in 2013 are two major disasters of recent times. At least 1,246 workers lost their lives in these two incidents. Ain o Salish Kendra (ASK) and Bangladesh Legal Aid Services and Trust (BLAST) filed a writ petition impugning failure of the respondents to ensure effective enforcement of applicable laws on building construction and workplace safety, in particular, failure to prevent deaths of and injuries of garment workers and other people from collapse of the nine-storey building namely Rana Plaza, in Savar, Dhaka amounting to breach of statutory duties and gross negligence of the respondents. The case petition is still under trial, For more information- <http://www.askbd.org/ask/2013/06/09/writ-petition-filed-savar-rana-plaza-collapse-blast/>

workers. Accidents frequently occur in the garments and other factories. In September, 2016, a fire broke out and an explosion occurred in a five-storey building housing a factory of Tampaco Foils Limited, in Tongi, Dhaka. This caused the building to collapse causing 29 deaths including workers and at least 50 persons<sup>64</sup> were injured.

- 8.3 There are concerns regarding low wages and irregular payment of wages, while there are no specific provisions regarding adequate compensation in case of occupational injury within the Labour Law. In case of any garment worker's death, the family gets only one hundred thousand taka, and a garment factory with group insurance policy provides two hundred thousand taka compensation. Ministry of Labour and Employment introduced a scheme of taka two hundred thousand from worker welfare foundation for deceased garment workers' families. However, in case of Tazreen and Rana Plaza disaster, the Government and international buyers compensated a little, but the assistance from these stakeholders has been inadequate.
- 8.4 From the 1980s, the ship-breaking industry started to develop in Bangladesh, and by the 1990s, Bangladesh became 2nd largest in the world in this industry.<sup>65</sup> Every year the human resources and the density of this industry are rising rapidly; currently more than 30,000 workers are involved in

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63 Three human rights organizations- BLAST, ASK, Bangladesh Environment Lawyers Association (BELA) filed a writ petition impugning the failure of the concerned authorities to discharge their statutory duties and responsibilities relating to building construction, labour safety and welfare and to ensure that appropriate actions are taken to investigate the causes of fire; and to prosecute and punish those responsible for this incident, and also to ensure adequate compensation for the victims, including long-term medical treatment for those injured, as well as rehabilitation for them and the families, and to prevent future incidents occurring by ensuring effective enforcement and implementation of workplace safety laws in industries, in particular to ensure the fundamental rights to life and to protection of law of all workers and other people therein.

65 Shah MD. Minhajul Abedin, "সম্মানবাহার জাহাজ ভাঙ্গা শিল্প, ঝুঁকিতে বাংলাদেশের উপকূল," *Roar*, May 30, 2017, [www.roar.media/bangla/bangladesh/shipbreaking-industry-in-bangladesh-and-risk/](http://www.roar.media/bangla/bangladesh/shipbreaking-industry-in-bangladesh-and-risk/), accessed December 22, 2017.

this industry.<sup>66</sup> However, labourers of this industry are forced to do hazardous works with a daily wage of less than two USD<sup>67</sup>. Hundreds of workers have died so far and a few thousand more received serious injuries in accidents in ship-breaking yards<sup>68</sup>. There was a High Court Directive back in 2009 to ensure the workers' minimum health standards and safe working conditions.<sup>69</sup> However, due to lack of proper monitoring the situation remains unchanged.

**Table 2: Death Counts in the Ship-breaking Industry<sup>70</sup>**

Year	Number of Deaths
2006	10
2007	8
2008	14
2009	25
2010	12
2011	8
2012	22
2013	13
2014	12

8.5 Stone crushing factories in Bangladesh conduct activities mostly without registration and these factories do not have health and safety measures for labourers. People working in these industries suffer from a lung disease caused by silica dust—Silicosis. It is hard to find an official statistics; however, local media reports suggest 65 labourers have died in three villages under Burimari, Srirampur and Patgram unions

66 Abedin, “সম্ভাবনার জাহাজ ভাঙ্গা শিল্প, ঝুঁকিতে বাংলাদেশের উপকূল.”

67 Ibid.

68 ‘New law for ship-breaking industry’, January 27, 2018, <https://thefinancialexpress.com.bd/editorial/new-law-for-ship-breaking-industry-1517072357>, accessed on February 15, 2018

69 খন্দকার আভার হোসেন, “জাহাজভাঙ্গা শিল্প,” *বাংলাপিডিয়া*, December 15, 2014,

[http://bn.banglapedia.org/index.php?title=RvnvRfv½v\\_wkí](http://bn.banglapedia.org/index.php?title=RvnvRfv½v_wkí), accessed December 25, 2017.

70 “জাহাজ ভাঙ্গা শিল্পের শ্রমিকদের আয়ুষ্কাল কমছে,” *BD Morning*, June 18, 2016, [www.bdmorning.com/top-news/109924](http://www.bdmorning.com/top-news/109924), accessed December 13, 2017.

alone in recent years.<sup>71</sup> Tannery workers also face serious health risks as they are engaged in workplaces that do not offer adequate protective measures. Workers suffer from gastrointestinal and dermatological disorders due to exposure to toxic chemicals at work.

## Question

1. What is the progress in improving the condition of the workplace following the recommendations placed after the Rana Plaza disaster?
2. When and how will the government ensure safe working conditions for the workers of ship-breaking yards and stone quarries?

## Recommendations

1. Take initiatives to develop a national framework regarding the basic rights and amenities of the workers of garments industry, ship-breaking yards and stone quarries and other hazardous sectors.
2. Strengthen monitoring of workplaces and ensure accountability of the relevant authorities in case of non-compliance with standard workplace conditions.

## Key Issue 9: Security of Women Workers

- 9.1 In the context of Bangladesh, female workers are more prone to violence and sexual harassment in the workplace than their male counterparts. Despite the fact that there was a High Court directive back in 2009 on the formation of an anti-sexual harassment committee in each readymade garment factory, in reality, less than one percent garment factories have formed such committees.

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72 Abu Siddique and Moazzem Hossain, "Stone crushing industry exposes workers to deadly silicosis disease", *The Dhaka Tribune*, 28 September 2017, <http://www.dhakatribune.com/bangladesh/nation/2017/09/28/stone-crushing-silicosis-disease/> (accessed 16 January 2018).

- 9.2 40 percent of the garment factories provide maternity leave of 112 days. During and after maternity leave, garment industries only pay maternity benefit under section 48 of Labour Law 2006 but they do not pay regular wage<sup>72</sup>. On the other hand, implementation of the law itself is weak as most women workers do not get the stipulated maternity leave and are forced to work for long hours during pregnancy. The calculation of the maternity benefit that women workers are entitled to is also complicated. Even when such benefits are paid, it is paid in instalments, which is in violation of the Labour Law. In some cases, pregnant women workers are forced to resign as they are not aware that pregnant women workers may not be sacked according to the law<sup>73</sup>.
- 9.3 Sexual and mental harassment of the female workers is a common scenario in most industries of Bangladesh. In 2009, a writ petition was filed seeking directions to formulate guidelines or policies for the protection of women and girls from sexual harassment in the workplace and educational institutions and all other settings.<sup>74</sup>

## Domestic Workers' Rights

- 9.4 According to Quarterly Labour Force Survey 2015-16, 1069000 workers (above 15 years of age) are engaged into domestic work. Among them 80 percent are women.

Domestic workers are still excluded from the Bangladesh Labour Act; however Bangladesh Government adopted

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72 Outcome of discussions initiated by HRFB member organization Bangladesh Institute of Labour Studies (BILs) with different trade unions

73 Ibid.

74 In the Writ petition filed by Bangladesh National Women Lawyers' Association (BNWLA) the High Court's observation was : "It shall be the duty of the employers and responsible persons in work place or educational institution to maintain an effective mechanism to prevent all sexual abuse and harassment and to provide effective measures resorting to all legal and institutional steps. Constitutional and statutory provision against gender discrimination, provision of sexual harassment and torture and punishment should be published and circulated in an effective manner" For more information: [http://bdpil.org.bd/search/full\\_view/202](http://bdpil.org.bd/search/full_view/202).

Domestic Worker Protection and Welfare Policy 2015<sup>75</sup>. The policy lacks legal implication thus subjugating workers to injustice in various ways. There are cases of low payments, irregular payments, sexual harassment, insecure working environment, inadequate health benefits, inadequate leave, and physical torture on domestic workers.

## Questions

1. What measures have been adopted to assure inclusive and effective implementation of Labour Law 2006 upholding the rights of women workers?
2. Why the Government is not taking appropriate measures to bring domestic workers either under the purview of the Labour Laws or other legal protection?
3. When will the Government include adequate compensation in the law and strengthen safety/security measures for women workers?
4. What is Government's initiative so far to make the Labour Laws compliant with international labour standards?

## Recommendations

1. Take appropriate measures to bring the domestic workers either under the purview of the Labour Law or other legal protection.
2. Execute the Central Monitoring Cell for Domestic Workers properly in accordance with Domestic Workers' Protection and Welfare Policy 2015.
3. Ensure proper implication of maternity benefits and eradicate the ambiguities with regard to calculations of maternity benefits under Labour Laws.

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<sup>75</sup> According to Domestic Worker Protection and Welfare Policy 2015, all domestic workers must be entitled to a healthy and safe space for sleeping while they are off duty. In addition, they must have the scope for prayers according to their religion. While they are sick, they must be allowed to be abstained from workload.

4. Raise awareness on the rights of persons with disabilities: adequate budget must be allocated along with a workable national plan of action to enhance their empowerment and agency in the society.
5. Amend the Labour Act to comply with international framework in terms of compensation, social safety net programmes, sub-contracts, out sourcing, dismissal (unfair) etc.
6. Establish adequate number of labour courts.

## Article 8: Right to Form and Join Trade Unions

### Key Issue 10: Formation of Trade Unions in Bangladesh

- 10.1 The number of trade unions is relatively low in comparison with the total number of industries in Bangladesh. Trade union density is 1.12 percent of the total labour force. A combination of factors such as lack of enforcement of labour laws, inhibiting legal provisions, and system of contract labour are responsible for reduced trade union membership in these sectors.
- 10.2 Employers set different barriers to form unions. The workers are always under threat of losing their jobs if they get involved with trade unions. Bangladesh ratified International Labour Organization (ILO) Convention's Articles 87 and 98 but there is no evidence of practice here. There is a restriction on the rights to elect workers' own representative(s) with freedom.

#### Box 4 Frequent Strikes in Ashulia

On 23 September 2015, more than three hundred RMG workers of Ten Star Apparels Garments called a strike in front of Ashulia Press Club demanding their payments which were due for two and a half months.<sup>76</sup> They also demanded the opening of the factory which was closed after the owner went into hiding without paying the workers' wages. On 12 April 2016, workers of Han Oen BD Limited Garments, which is situated in Ashulia 'Unique Stand', started a strike in the Tongi-Ashulia-EPZ road.<sup>77</sup> 37 workers were expelled earlier because a trade union was

76 "আশুলিয়ায় পোশাক শ্রমিকদের অবস্থান ধর্মঘট," *The Daily Nayadiganta*, September 21, 2015, <http://www.dailynayadiganta.com/detail/news/56098>, accessed December 13, 2017.

77 Sazib, "শ্রমিক ছাটাইয়ের প্রতিবাদে আশুলিয়ায় শ্রমিকদের অবস্থান ধর্মঘট কয়েকজন মারাত্মক অসুস্থ," *Aporadh Tothyachitra*, April 12, 2016, <http://www.aporadhtoathyachitra.com/শ্রমিক-ছাটাইয়ের-প্রতিবাদ/> accessed December 13, 2017.



formed in the factory according to the Government's declaration of 9 October 2015 relating to trade union formation right of the workers. 7 workers were beaten and expelled by the authority of the factory and 30 other workers of the newly formed union were expelled as well. Two workers became sick while the strike continued and they were admitted to a local hospital. Organizations like National Garment Workers Federation and *Shadhin Bangla Garments Sramik Karmachari Federation (SBGSKF)* supported the cause of the workers. After the authority promised to reassign the previously expelled workers, the striking workers called off their strike.

- 10.3 Trade union activists are not allowed in the private sector trade union committee. There are excessive pre-requirements for trade union registration. A mandatory criterion of 30% workers' participation to form trade union is extremely difficult and impractical. Workers face threat of termination if they are involved with trade union activities. The workers of the public utility services are deprived of enjoying the rights to strike or lock-out. Export Processing Zone (EPZ) workers do not have trade union rights.

## Questions

1. When will the Government allow and permit the Charter of Demand be made compulsory for trade unions?
2. When will the Government stop illegal practice of imposing restrictions in forming trade unions?
3. When and how will the Export Processing Zone (EPZ) workers achieve their trade union rights?

## Recommendations

1. Ensure workers' right of forming trade unions without any restriction according to ILO Convention's Articles 87 and 98.

2. Revise criteria of trade union formation according to ILO Convention's Articles 87 and 98.
3. Make the registration process easier and within shortest possible time.
4. Facilitate the formation of more trade unions in the RMG sector.
5. Grant trade union rights for the workers of Export Processing Zones (EPZs).

## Article 9: Right to Social Security

### Key Issue 11: Social Security in Bangladesh

#### Social Safety Net Programmes

- 11.1 There exist nearly 90 social safety net programmes of the Government of Bangladesh. However, these are not accessible to all the people of the country. In Bangladesh, the social security measures mainly cover women, old persons, persons with disability, children, small ethnic communities and others. But people of all these categories do not have fair and equal access to these programmes due to limited coverage induced by limited budget allocation.
- 11.2 There are allegations of anomalies in distribution or selection of beneficiaries. According to the Transparency International Bangladesh's (TIB's) National Households Survey on Corruption 2015, among the social safety net service recipients, 57.8% were victims of corruption and irregularity. Out of the service recipients, 7.2% had to pay an average of 1,352 BDT as bribe for getting enlisted. Other types of corruption in these programmes include political influence, nepotism, extortion, and deception.
- 11.3 A certain portion is taken out during distribution of the allocation and sometimes the whole allocation is embezzled. When a cardholder dies, the family members often continue to receive the allocated amount by showing the note of the cardholder's illness written by councillors. Furthermore, the Project Implementation Officer takes unauthorized money for releasing the allocation and bill of Test Relief (TR) and Food for Work. Sometimes, Local Government Engineering Departments (LGEDs) do not get the actual quantity from the Government storage.<sup>78</sup> In addition, currently there is no pension policy and programmes for the private and informal sector.

78 "Annual Report 2013" (Transparency International Bangladesh), [www.ti-bangladesh.org/beta3/images/2014/Annual\\_Report\\_2013.pdf](http://www.ti-bangladesh.org/beta3/images/2014/Annual_Report_2013.pdf), accessed December 17, 2016.

## Questions

1. When will the Government be able to enhance the coverage of social safety net programmes to include all?
2. How will the Government ensure the equal and proper distribution of resources?

## Recommendations

1. Coverage and allocation of social safety programmes should be enhanced.
2. Enlistment and distribution should be made corruption free.
3. Measures should be taken to introduce more safety net programmes for the marginalized especially the informal workers.
4. Pension Scheme for the private and informal sector should be introduced.

# Section 3

## Articles 10-12

### Article 10: Right to Family Life

#### Key Issue 12: Gender Based Violence (GBV) in Bangladesh

12.1 The 2015 Violence against Women (VAW) Survey reveals that 73% of married women in Bangladesh have experienced one or more forms of violence by their husband at least once during their married life.<sup>79</sup> According to a report of Bangladesh Mahila Parishad (BMP), as many as 4,896 women and girls were subjected to multiple forms of torture throughout the year 2016.<sup>80</sup>

**Table 3: Reports of Violence against Women (2013-2016)**<sup>81</sup>

SL	Type of Violence	Total			
		2013	2014	2015	2016
1.	Rape	696	666	808	840
2.	Gang rape	185	174	199	166
3.	Murder after rape	94	99	85	44
4.	Attempt to rape	153	115	142	165
5.	Sexual harassment	40	44	68	80
6.	Burnt by acid	46	51	37	38
7.	Death due to acid burn	4	4	1	1

79 "Report on Violence Against Women (VAW) Survey 2015," *UN WOMEN*, n.d., <http://evaw-global-database.unwomen.org/en/countries/asia/bangladesh/2015/report-on-violence-against-women-vaw-survey-2015>, accessed December 18, 2017.

80 Kamrul Hasan, "Violence against 4,896 Females in 2016," *Dhaka Tribune*, January 8, 2017, <http://www.dhakatribune.com/bangladesh/crime/2017/01/08/violence-4896-women-girls-2016/>, accessed December 25, 2017.

81 "UPR Stakeholders' Submission under the 3rd Cycle of Universal Periodic Review (UPR)" (Human Rights Forum, Bangladesh (HFRB), October 5, 2017),

SL	Type of Violence	Total			
		2013	2014	2015	2016
8.	Burnt by fire	26	22	35	67
9.	Death due to fire burn	27	36	24	23
10.	Kidnapping	131	118	97	132
11.	Trafficking of women Children	17	11	47	34
12.	Sale to brothel	10	19	18	11
13.	Murder for dowry	245	236	202	173
14.	Torture for dowry	194	195	183	189
15.	Physical assault	239	258	302	413
16.	Violence on domestic worker	36	37	37	31
17.	Murder of domestic worker	28	39	30	25
18.	Suicide of domestic worker	25	10	3	7
19.	Murder	829	898	714	762
20.	Attempt to murder	44	68	51	76
21.	Suspicious death	172	183	167	284
22.	Suicide	386	341	336	337
23.	Attempt to commit suicide	22	18	12	24

## Further Evidence

- 12.2 According to statistics of BMP, a total of 18,763 GBV cases were reported during 2013–2016.<sup>82</sup> A report of Police Headquarter reveals the increasing trend of violence against women and children. In 2017 (January-June), 280 women were raped, of which 5 committed suicide and 16 were dead after rape.<sup>83</sup>
- 12.3 It is a matter of grave concern that the issue of marital rape is not addressed in any laws of the country. Furthermore, a commonly accepted definition of GBV is absent in the country. The GoB has yet to show a sign of action to adopt legislation as per the verdict of the High Court to criminalize sexual

82 "UPR Stakeholders' Submission under the 3rd Cycle of Universal Periodic Review (UPR)."

83 "Violence Against Women – Rape : January-June 2017," *Ain o Salish Kendra (ASK)*, July 16, 2017, <http://www.askbd.org/ask/2017/07/16/violence-women-rape-january-june-2017/>, accessed December 25, 2017.

harassment of girls and women in schools, public places and workplaces.

- 12.4 In Bangladesh, due to discriminatory family laws affecting all religious communities, women's rights regarding marriage, divorce, and inheritance are less than those of men, thus increasing their socio-economic insecurity.<sup>84</sup>
- 12.5 The GoB recently enacted the Child Marriage Restraint Act (CMRA) that has raised concerns among HR activists as it technically makes child marriages legal. The act is being misused and numerous cases of marriage of rape victims to the perpetrators were reported.<sup>85</sup>

## Questions

1. What measures should the Government take to stop violence against women?
2. Will the CMRA be repealed to harmonize with other laws of the country? How?
3. How should concrete actions be taken to reduce rape incidents and punish the culprits?

## Recommendations

1. The GoB must enact legislation criminalizing all forms of GBV.
2. The GoB must amend the rape laws and criminalize marital rape with no age limit.
3. Specific indicators to monitor the prevalence of GBV have to be included in the result and resource framework (RRF) of the 7<sup>th</sup> Five Year Plan.
4. Prohibition of extra judicial punishment in the name of Fatwa, and new laws should be enacted accordingly.

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84 "World Report 2012: Bangladesh," *Human Rights Watch*, n.d., <https://www.hrw.org/world-report/2012/country-chapters/bangladesh>, accessed December 19, 2017.

85 "UPR Stakeholders' Submission under the 3rd Cycle of Universal Periodic Review (UPR)."

5. Establish more Victim Support Centres (VSCs) and One Stop Crisis Centres (OCCs) and ensure proper services to address GBV at the grassroots.

## Key Issue 13: Right to Family and Protection of Mother and Child

### Child Marriage

- 13.1 Child marriage continues to be an issue in Bangladesh affecting the sexual and reproductive rights of the girl child. According to The United Nations Children's Fund (UNICEF) records, 52% of girls are married by their 18th birthday, and 18% by the age of 15 in Bangladesh.<sup>86</sup> The Child Marriage Restraint Act (CMRA) was passed in 2017, which sets the minimum age for marriage for girls at 18 years and 21 years for men.
- 13.2 Section 19 of the Act allows for an exception to this general rule and sanctions child marriage in 'special circumstances'.<sup>87</sup> The Act does not mention what constitutes 'special circumstances' but does clarify that the special circumstances will be determined by the guardians of the girl in question and by the Court in conjunction with a magistrate and such a marriage will no longer be considered an offence.

### Persons with Disabilities

- 13.3 The implementation of the Persons with Disabilities Rights and Protection Act 2013 is not visible.<sup>88</sup> In most cases, a person with disability is usually prevented by society from

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86 "Bangladesh," *Girls Not Brides*, n.d., <https://www.girlsnotbrides.org/child-marriage/bangladesh/>, accessed December 22, 2017.

87 Ibid.

88 "Current Status of Rights of Persons with Disabilities in Bangladesh: Legal and Grassroots Perspectives" (National Grassroots and Disabilities Organization (NGDO), National Council for Women with Disabilities (NCDW), Bangladesh Legal Aid and Services Trust (BLAST), August 1, 2015), <http://disabilitybangladesh.org/wp-content/uploads/2015/08/crpd-report.pdf>.



starting a family. By contrast, sometimes, in exchange for a large dowry, relatives may marry off women with disabilities. Often, the husbands of these women abandon them without providing any maintenance and in some cases, the husbands resort to a second marriage without taking permission from the first wife. This violates the rights of the disabled women as it prevents her from exercising her right to consent and choice in the marriage; she is also deprived economically and socially thus adding to her vulnerability.

## Questions

1. Is the issue of consent and choice going to be recognised under the preventive laws in Bangladesh in relation to child marriage and violence against women?

## Recommendations

1. Amend Women and Children Repression Prevention Act 2003 and add clauses in the legal procedures to get justice for women with disabilities.
2. Amend CMRA to ensure that girls under the age of 18 cannot be married under any circumstances.

## Article 11: **Right to Adequate Standard of Living**

### Key Issue 14: **Indiscriminate Slum Eviction as Violation of Right to Housing**

14.1 Slum dwellers continue to face eviction from various Government agencies that threaten the livelihood and wellbeing of those who are living below the poverty line. Such forced eviction is a violation of the Constitutional right to have access to basic necessities i.e. shelter. As per recent United Nations data, 25% of Bangladesh's present populace lives in urban regions.<sup>89</sup> Out of this, almost 25% dwell in the four biggest urban areas, namely, Dhaka, Chittagong, Rajshahi and Khulna. Because of the absence of decentralization of services and opportunities, Dhaka city hosts a populace of roughly 12 million.<sup>90</sup> This includes a noteworthy number of low income individuals who are living in the slums of Dhaka.

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#### Case Study 1: **Korail Slum Eviction**

On 4 April 2012, several sections of Korail slum were ousted.<sup>91</sup> The expulsion drive was completed by a Dhaka District Magistrate, two legions of police forces, and a huge group of contracted workers. Two bulldozers wrecked the structures without enquiring whether their occupants had left and whether or not they had been able to save their belongings. On the evening of 3 April 2012, the inhabitants had been served notice

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89 Tanjila Mazumder Drishti, "Slum Dwellers: Unwanted in Bangladesh," *One Young World*, February 8, 2016, [www.oneyoungworld.com/blog/slum-dwellers-unwanted-bangladesh](http://www.oneyoungworld.com/blog/slum-dwellers-unwanted-bangladesh), accessed December 19, 2017.

90 Roland K Price and Zoran Vojinović, *Urban Hydroinformatics: Data, Models, and Decision Support for Integrated Urban Water Management* (London: IWA Publishing, 2012).

91 Shahadat Hossain, "The Senseless Destruction of a Vibrant Part of Dhaka," *Bdnews24*, April 12, 2012, [www.opinion.bdnews24.com/2012/04/09/the-senseless-destruction-of-a-vibrant-part-of-dhaka/](http://www.opinion.bdnews24.com/2012/04/09/the-senseless-destruction-of-a-vibrant-part-of-dhaka/), accessed December 19, 2017.

regarding the eviction along the lakeside region.<sup>92</sup> The populace living there had begun to remove their assets soon thereafter. Yet, the expulsion came as a shock to numerous occupants when they found the eviction team destroying all houses regardless of whether they were situated at the lakeside or not. The ousting was conducted as per a High Court Order of 25<sup>th</sup> January 2012, which guided the authority to clear all of Korail and the neighbouring settlements.<sup>93</sup> The concerned area covered 170 acres of land. Local people did not know about the Order until the Magistrate read it out in front of the expelled occupants.

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### Case Study 2: **Baganbarhi Slum Eviction**

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On 21 December 2016, many individuals were rendered roofless under cold diving temperatures and were removed from their homes at Baganbarhi slum in the capital's Mirpur.<sup>94</sup> National Housing Authority (NHA) completed the ousting. Slum inhabitants said that they were informed earlier that the ousting would be completed on Tuesday. However, all of a sudden on Sunday night, declarations were made through loudspeakers to empty the region by 8am on Monday. By 9am the administration authorities began ousting them. NHA authorities said that the removal drive was required as 27 kathas of land bordering the slum was allocated to MARKS Medical College Hospital. They had been completing the drive by holding fast to laws, the authorities said.<sup>95</sup>

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92 Hossain, "The Senseless Destruction of a Vibrant Part of Dhaka".

93 Ibid.

94 Ashik Hossain, "Hundreds Evicted from Baganbarhi Slum Homes amid Dipping Temperature," *Bdnews24*, December 21, 2015, [bdnews24.com/bangladesh/2015/12/21/hundreds-evicted-from-baganbarhi-slum-homes-amid-dipping-temperature](http://bdnews24.com/bangladesh/2015/12/21/hundreds-evicted-from-baganbarhi-slum-homes-amid-dipping-temperature), accessed December 19, 2017.

95 Ibid

## Inaccessibility of PWD's

14.2 Inaccessibility to public places, roads, footpaths and public transports is one of the greatest barriers to better living standards for Persons with Disabilities. . Most of the public places do not have special arrangements for access by persons with disabilities using different types of assistive devices. On the other hand, although the second highest budget allocation is reserved for use in transport and communication areas, no consideration is being given to the requirements of persons with disabilities. As a result, there is no single transport in the country that is accessible for PWDs.

## Questions

1. Did the GoB take measures to rehabilitate the evicted slum dwellers? How are they getting rehabilitated?
2. How would the GoB protect the rights of the slum dwellers?
3. How will the “slum-dweller” be identified by the concerned authorities?
4. When will the Government take initiatives to implement the Bangladesh National Building Code 2008?
5. When will the Government design or import accessible transport such as bus, train, sea trucks as well as facilities in domestic aircrafts for PWDs?

## Recommendations

1. Amend the Constitution to ensure the right to shelter as a fundamental right by including it in Chapter II of the Constitution.
2. Ensure proper rehabilitation of the slum dwellers before acquiring the lands.
3. Ensure collaboration between the Government agencies and NGOs to undertake survey of all slums or informal

settlements in the city and to identify “slum dwellers” i.e., those who have no other home or land including climate refugees.

4. Address lack of coordination between judicial and executive authorities and take initiatives to ensure that evictions cannot be conducted without prior notice and provisions for rehabilitations.
5. Ensure that the National Housing Policy 2016 is compatible with principles of good governance such as transparency and accountability.
6. Ensure accessibility issue of PWDs with the consultation of DPOs and PWDs and in light of “Persons with Disabilities Rights Act 2013”, UN CRPD and SDGs.

## Key Issue 15: Right to Food and Food Safety

### Food Safety

- 15.1 Severe food crises were reported in Thanchi, Bandarban of the Chittagong Hill Tracts (CHT) region in 2016 (some 1,500 indigenous families ran out of food) and in Sajek, Rangamati in 2017. The GoB allocated only 10 tonnes of food grains for people from 20-25 remote villages in Sajek, Rangamati who had been starving for over three months<sup>96</sup>. According to local HRDs, the administration also barred local NGOs from distributing relief in affected areas.
- 15.2 In Bangladesh, ensuring safe food is a major challenge for public health. The rate of using chemicals in almost every consumable food items including baby foods, fruits, vegetables, fishes etc. According to International Centre for Diarrhoeal Disease Research, Bangladesh (ICDDR,B), every day 501 hospital visits occur in Bangladesh for treatment of

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<sup>96</sup>S Bashu Das, ‘Food crisis continues in Sajek villages’ April 28, 2017, <http://www.dhakatribune.com/bangladesh/nation/2017/04/28/food-crisis-continues-sajek-villages/> accessed on February 14, 2018.

diarrhoea that were attributable to food and water borne causes.<sup>97</sup>

#### Box 5 Flash Flood in Haor Areas<sup>98</sup>

In April 2017, there was a massive flash flood in the Sunamganj district. According to Jahedul Haque, Deputy Director of Agricultural Extension Department, Haor farmers had suffered approximately Tk 1,500 crore losses as the flash flood damaged the Boro paddy of 1,50,000 hectares' of land. However, Chittaranjan Talukder, General Secretary of "Haor Bachao, Poribesh Bachao, Sunamganj Bachao", claimed that the actual damage surpassed Tk 3,000 crores. The flash flood also severely damaged the low-lying areas of Sylhet, Habiganj, Moulvibazar, Kishoreganj and Brahmanbaria districts. Nearly hundred thousand of people dependent upon paddy and fish farming suffered massive loss because of the flood, caused by heavy rainfall and surge of water from the upstream Meghalaya hills of India. Although, the rain and the rush of upstream, water was the main reason for the flood, the local populace also blamed the concerned authorities for not completing the construction of Haor embankments on time; this grave omission increased the pressure of rising water on the embankment which gave way and caused the flood. The flood also induced acute shortage of foods for livestock and forced the owners to sell their animals at very low prices.

#### 15.3 The Mobile Courts Act 2009 empowers Executive Magistrates to hear and try certain offences regarding food adulteration on the spot. Moreover, the court retains the power to seize

97 "Food Safety," World Health Organization, n.d., <http://www.searo.who.int/bangladesh/areas/foodsafety/en/>, accessed December 22, 2017.

98 দেবশীষ দেব, "সুনামগঞ্জে তলিয়ে গেছে ১০ হাজার হেক্টর জমির ফসল," বণিকবার্তা, April 2, 2017, <http://bonikbarta.net/bangla/news/2017-04-02/112388/-mybvgM#Å-Zwj#q-#M#Q-10-nvRvi-#n±i-Rwgi-dmj/>, accessed December 14, 2017.

and dispose of perishable, dangerous or hazardous substances if necessary. Although, many laws address the food safety issue but most of these legislations are from colonial era, and do not sufficiently address the contemporary challenges of the right to food.

## Questions

1. What actions has the Government taken to ensure right to food of the marginalized people?
2. What measures have been adopted to control and eradicate food adulteration?

## Recommendations

1. Ensure that the National Food Policy is compatible with principles of good governance, transparency and accountability.
2. Ensure food security for all, and take effective measures to prevent food adulteration.

## Access to Safe Water

- 15.4 In Bangladesh, country-wide demand for water and pressure on ground water sources increased over the decades. Water resource management in Bangladesh suffers from mismanagement, consistent crisis, and increased vulnerability to natural disasters and upstream diversion. This inhibits government's ability to meet the water demand for a rapidly growing population, as well as the subsequent expansion of agriculture and industry.
- 15.5 The Government promulgated the Water Act 2013, envisaging integrated surface-groundwater development and more robust systems of water distribution and protection. The act does not indicate how the Government will address related issues such as land grabbing, river encroachment, and the establishment of treatment plants for industrial effluent. On the other hand, arsenic contamination

has been a major concern for a certain period exposing numerous people to the risk of being affected<sup>99</sup>.

- 15.6 A major drawback of this policy is that, no court can accept a suit aimed at enforcing the provisions of this Act without a written complaint from the Director General of the Water Resource Planning Organization or his/her appointee. The challenges lie in implementation of these instruments as the country has shortage of resources and political will.<sup>100</sup>

## Questions

1. What measures has the GoB taken to ensure proper distribution and management of water?
2. What measures has the GoB taken to ensure safe water and sanitation for all?
3. What measures has the GoB taken to stop water pollution?

## Recommendations

1. Ensure proper distribution and management of water through effective policy, actions and monitoring.
2. Adopt specific action plan immediately to stop water pollution and to ensure safe water and sanitation for all.

## Rural Electrification in Bangladesh

- 15.7 Many Bangladeshis are deprived of electricity even though per capita electricity consumption in the country is low compared to those of other countries with similar socio-economic status. According to a study conducted back in 2013, approximately 493 million people did not have access to electricity in South Asia, and Bangladesh was second in

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99 Abul Hasnat Milton et al, 'Bangladesh arsenic mitigation programs: lessons from the past' <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3342680/>

100 Ngai Chan, Ranjan Roy, and Brian Chaffin, "Water Governance in Bangladesh: An Evaluation of Institutional and Political Context," *Water* 8, no. 9 (September 15, 2016): 403, <https://doi.org/10.3390/w8090403>.



rank in terms of population living without electricity.<sup>101</sup>

- 15.8 The contribution of rural electrification to the development of rural and distant areas was questioned for over eight decades. The majority of the objectives were not achieved structurally because of the substandard production of many rural power systems in other developing countries. Under the majority of rural electrification projects, the expansion of a central grid was the main issue, and the demand forecast was mainly based on overoptimistic expectations concerning regional development and the financial ability of consumers.

## Questions

1. What steps has the Government taken to provide electricity for the rural people?

## Recommendations

1. Immediately utilize Renewable Energy Sources (RESs), such as solar energy, biomass, biogas, and wind power, particularly in coastal areas.
2. Ensure effective operation of Sustainable and Renewable Energy Development Authority (SREDA) which is the main authority under the SREDA Act 2010 and evaluate periodically by the Government.

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101 Md. Mizanur Rahman et al., “Driving and Hindering Factors for Rural Electrification in Developing Countries: Lessons from Bangladesh,” *Energy Policy* 61 (October 2013): 840–51, <https://doi.org/10.1016/j.enpol.2013.06.100>.

## Article 12: **Right to Health**

### Key Issue 16: **Right to Health in Bangladesh**

#### **Constitutional Loophole as a Hindrance to Right to Health**

16.1 Under the purview of Article 15 of the Constitution of the People's Republic of Bangladesh, right to health is one of the fundamental principles of state policy. However, the issues of 'right to health' are referred to as the basic need, not as a citizen's right. Thus according to Article 8, this is not judicially enforceable. Despite the Constitution's recognition of the right to health, a citizen deprived of this, is not entitled to compel the Government legally. This loophole in the supreme law of the country enables the Government to avoid responsibility to guarantee every citizen's right to health.

#### **Discrimination between Rural and Urban People**

16.2 The Health Policy 2011 intends to ensure quality health services for marginalized urban and rural people.<sup>102</sup> However, all significant and well-equipped health institutions are located in the Capital city which shows great centralization. Again, health workers are concentrated in secondary and tertiary hospitals of urban areas, although 70% of the total population lives in rural areas.<sup>103</sup> On the other hand, unqualified/semi-qualified allopathic practitioners such as village doctors and Community Health Workers (CHWs) are mainly concentrated in rural areas.<sup>104</sup>

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102 Government of Bangladesh, *National Health Policy*, Ministry of Health and Family Welfare, G o B , 2 0 1 1 .  
[http://www.mohfw.gov.bd/index.php?option=com\\_docman&task=doc\\_download&gid=1475&lang=en](http://www.mohfw.gov.bd/index.php?option=com_docman&task=doc_download&gid=1475&lang=en).

103 " B a n g l a d e s h , " *W o r l d H e a l t h O r g a n i z a t i o n* , n . d . ,  
<http://www.who.int/workforcealliance/countries/bgd/en/>, accessed December 22, 2017.

104 Syed Masud Ahmed et al., "Bangladesh Health System Review," *Asia Pacific Observatory on Public Health Systems and Policies* 05, no. 03 (2015), [www.researchgate.net/profile/Rumana\\_Huque/publication/281843396\\_Bangladesh\\_Health\\_System\\_Review/links/55fadeb308aec948c4afa521/Bangladesh-Health-System-Review.pdf?origin=publication\\_detail](http://www.researchgate.net/profile/Rumana_Huque/publication/281843396_Bangladesh_Health_System_Review/links/55fadeb308aec948c4afa521/Bangladesh-Health-System-Review.pdf?origin=publication_detail).

- 16.3 General health services, including reproductive and mental health services, particularly in remote areas, remain inaccessible, resulting in deaths of significant number of children. In July 2017, nine IP children at Tripura Para, Sitakunda, Chittagong died from measles due to lack of vaccinations.<sup>105</sup>

## Discrimination in Case of Women and Girls

- 16.4 In 2010, the mortality ratio due to nutritional deficiencies for male was 7.9 and 13.4 for female.<sup>106</sup> This data shows the discrimination faced by the female population of Bangladesh in case of their right to nutrition. Currently, only 44% of the married women participate in

all four types of decisions regarding, namely, their own health care, their child's health care, major household purchases, and visit to their family or relatives.<sup>107</sup>

## Sexual and Reproductive Health and Rights (SRHR)

- 16.5 While policies recognise certain aspects of SRHR —maternal health, access to contraception, adolescent and reproductive health, menstrual hygiene management etc.,– others, such as access to education and information, access to services, including menstrual regulation for adolescents, and recognition of gender diversity are neither recognised nor addressed.
- 16.6 Misconceptions or ignorance results in severe health concerns for Bangladeshi adolescents, *i.e.*, early motherhood and emergence of HIV/AIDS epidemic. Sexual minority communities face numerous difficulties in accessing citizen

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105 Shishir Moral, '2m children at risk of measles' August 26, 2017 <http://en.prothomalo.com/bangladesh/news/157569/2m-children-at-risk-of-measles>, accessed on February, 2018

106 All age mortality rates for main causes of death, 1990–2010

107 Government of Bangladesh, *Bangladesh Demographic and Health Survey 2014*, Dhaka: National Institute of Population Research and Training (NIPORT), Ministry of Health and Family Welfare, 2015

services in Bangladesh. They are discriminated, stigmatized, and harassed by the dominant society or individuals.<sup>108</sup> Though, Bangladesh is a low HIV-prevalent country, yet it remains extremely vulnerable to an HIV epidemic, given its poverty, overpopulation, gender inequality, and high levels of transactional sex.<sup>109</sup>

- 16.7 No progress seen on imparting sex education to adolescents in national curriculum. Government hesitates to recognize the role of sexuality beyond its function in reproduction.
- 16.8 Criminalization of abortion forces women and girls to resort to unsafe abortion. Lack of access to modern contraception for adolescent girls and unmarried women, as well as lack of information on sexual and reproductive health and rights is a matter of concern.

### Continuing Lack of Quality Service

- 16.9 In 2013, the number of beds in Primary Health Care (PHC) facilities at Upazila level and below reached 18,880 across 472 PHCs and 27,053 in 126 secondary and tertiary level health care facilities. A more recent estimate report by the Government denotes, on average, there is one bed for every 1,699 people which is extremely inadequate.<sup>110</sup> The public sector health facilities in Bangladesh are poorly equipped with medical devices, instruments and supplies.

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108 “UPR Stakeholders’ Submission under the 3rd Cycle of Universal Periodic Review (UPR).”

109 “HIV and AIDS in Bangladesh” (UNICEF, March 2009), [https://www.unicef.org/bangladesh/HIV\\_AIDS\(1\).pdf](https://www.unicef.org/bangladesh/HIV_AIDS(1).pdf).

110 Syed Masud Ahmed and et al., “Bangladesh Health System Review”, *Health System in Transition*, Vol. 5, No. 3, 2015.

## **Box: 6** High Court's Directives to ensure the Right to Health

**In the year 2017, some major directions came from the High Court to ensure the right to health. High Court issues suo moto rule regarding the birth and subsequent death of a child on an open street** On October 18, 2017, Parvin Akhter (26) gave birth to her child on an open street in front of Azimpur Matrishadan after being deprived of medical facilities from three hospitals. Consequently, her child died due to want of proper medical care. A High Court bench issued a sue moto rule afterwards, asking the concerned authorities as to why steps should not be taken against the three hospitals for failure to discharge their duties. Litigation is still pending.

### **High Court awards compensation for medical malpractice**

In another instance of tort litigation, the HC ordered compensation worth BDT 900,000/- to be paid to Maksuda Begum of Patuakhali, after she was left with gauze in her body following a childbirth surgery. The surgeon performing the operation was later discovered to be a fake one and was ordered to pay BDT 500,000/- while the clinic had to pay BDT 400,000/- by 15th January 2018.

### **High Court directs to release dead bodies even if bills due**

The High Court on November 20, 2017 ordered hospitals and clinics to release the dead body of poor and marginalized people even if they fail to pay outstanding bills. It ruled that no hospital or clinics could detain the dead body of a poor and destitute person in the hospital even though their family were unable to pay the hospital bill. It ordered the health secretary and director general of the Department of Health Services to issue a circular containing said directive for all hospitals and clinics in the country. The High Court also directed them to create a fund for paying treatment bill if any poor people die in the hospital or clinic.

## State of Public Hospital

16.10 There exist allegations of poor services at the Government hospitals including lack of skilled and pro-patient doctors, efficient nurses, functional equipments, proper management and poor infrastructure. Most of the time the Government hospitals lack necessary medication for free distribution. A section of the doctors prefer serving in private hospitals mostly neglecting their assigned duties in public hospitals<sup>111</sup>. The doctors belonging to the two main political parties, Awami League (AL) and Bangladesh Nationalist Party (BNP), formed Swadhinata Chikitsak Parishad (SwaChiP) and Doctors Association of Bangladesh (DAB).<sup>112</sup> These two organizations control the country's health sector as per the ascension of the relevant political party in power. They prefer to give priority to politics rather than serving general people.

## Questions

1. What measures will the Government take to improve the situation and ensure quality service in health sector?
2. When will the Government recognize 'Right to Health' as fundamental right instead of mere 'basic need' to make it legally enforceable?
3. When and how will the GoB ensure awareness for adolescents on SRHR?

## Recommendations

1. Make right to health legally enforceable by amending the Constitution.
2. Emphasize on nutrition, public health, sanitation, and communication for behaviour initiatives (prioritise those

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111 চিকিৎসা নিয়ে ভয়াবহ বাণিজ্য, <http://www.bd-pratidin.com/first-page/2017/01/24/202412>

112 “স্বাস্থ্যসেবা: কোথায় গেলে পাব তারে?,” দৈনিকপূর্বকোণ, May 20, 2016, <http://www.dainikpurbokone.net/88870/স্বাস্থ্যসেবা-কোথায়-গেল/>, accessed December 14, 2017.

disease control programs that maximize economic benefit, e.g., Tuberculosis, HIV/AIDS/STI/STD, Malaria, Diarrhoea, malnutrition, etc.) with the cardinal aim of changing the way people look at the disease and health issues and status,

3. Prioritize and improve the national budget on health education, and communication; and allocate on the basis of population size and poverty index geographically, keeping the Sustainable Development Goals at the forefront.
4. Develop a standalone legal framework to prevent the commission business among doctors and healthcare institutions, managing private clinic systems run by public sector doctors, as well as preventing whimsical fees in medicine and healthcare services across different sectors, etc.
5. Address stereotypes and discriminatory attitudes with regard to sexuality and ensure that people have affordable access to information and education on sexual and reproductive health and rights.
6. Ensure access to health services for persons living with HIV/AIDS and women in prostitution and provide them access to adequate health services.





# Section 4

## Articles 13-14

### Article 13: **Right to Education**

#### Key Issue 17: **Implementation of Right to Education in Bangladesh**

#### **Constitutional Loopholes in Enforcing Right to Education**

17.1 Several gaps in achieving right to education pave the way for the Government to escape their liability to provide education to the citizens. Right to education has been recognized as a fundamental principle of state policy in Article 15 and Article 17 of the Constitution of the People's Republic of Bangladesh. However, these are not judicially enforceable according to Article 8 of the Constitution. Despite the Constitution's recognition of the right to education, a citizen deprived of this is not entitled to compel the Government legally. This loophole in the apex law of the country gives the Government a huge opportunity in avoiding its responsibility with regard to the right to education.

#### **Discrimination of Minority Groups**

17.2 The National Education Policy 2010 mandates for imparting education among the children in their own languages. However, the Government report is completely silent as to the steps taken in this regard. Moreover, the same report states that there are two mediums of instruction, namely Bengali and English version.<sup>113</sup> Here it is noteworthy that Bangladesh

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113 Government of Bangladesh, *The National Education Policy 2010*, Ministry of Education, 2011, p. 51.

is home to about two million indigenous people, who have their own languages. The Government is not proactive in providing education to the tribal children in their mother tongues. In few areas, some of these children receive primary education in their own languages but there is no such provision in case of advanced studies.

## **Discrimination among the Urban and Rural People**

17.3 The Government report states that law does not make any distinction as to the compulsory primary education on the basis of metropolitan or non-metropolitan area.<sup>114</sup> However, the real scenario shows that there is an alarming and discriminatory situation in case of implementing these laws. This is evident from the dropout rates in different districts. According to Chapter 2 of the Bangladesh Bureau of Educational Information and Statistics (BANBEIS) report 2016, the dropout rate in primary education in the country is 19.2% but in City Corporation area the average rate is 17.07%. Again, the literacy rate in rural area is 49.4%, whereas among the urban people the rate is 59.3%.<sup>115</sup>

## **Inequality among the Madrasa Students**

17.4 The Government used to ignore the Qwami madrasa, however, a huge number of students have been studying in these madrasas. In 2015, a total of 1.4 million students were studying in 13,902 Qwami madrasas across the country.<sup>116</sup> The fact of not mentioning these Qwami madrasas is itself evidence of discrimination against them. Very recently, the Government has recognized Dawra degree of Qwami

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114 GoB, *The National Education Policy* 2010, p. 57.

115 Manzoor Ahmed and Rasheda K Choudhury, "SDG4 in Bangladesh: Where Are We," LITERACY, SKILLS, LIFELONG LEARNING (Campaign for Popular Education (CAMPE), December 2016), [http://www.campebd.org/Files/EW\\_Report\\_2016\\_Full\\_Web.pdf](http://www.campebd.org/Files/EW_Report_2016_Full_Web.pdf).

116 Mustak Ahmed, "1.4m Students Study in 14,000 Qawmi Madrasas," *Prothom Alo*, May 24, 2015, <http://en.prothom-alo.com/bangladesh/news/67081/14-lakh-students-study-in-14-000-Qawmi-madrasas>, accessed December 15, 2017.

madrasa as equivalent to a Masters' degree.<sup>117</sup> The holders of this degree can apply for a job now. The previous degrees of Qwami madrasas' have not been recognized.

## Discrimination against Women

- 17.5 In 2013, the literacy rate among the 15+ aged population was 61.0%. The rate among the male population was 64.2% compared to 57.8% in female population.<sup>118</sup> This data reflects the discrimination faced by the female population of Bangladesh when it comes to their right to education. The ratio of girls to boys in different stages of education can be considered in this regard. In primary education, the ratio is 1.03%; in case of secondary education it is 1.14% and in tertiary education the ratio is 0.67%.<sup>119</sup> It is clearly evident that female students are facing more discrimination in tertiary education. This form of discrimination is also pertinent in the public university teacher ratio. Among the teachers, 21.4 percent are female, and 78.6 percent are male.<sup>120</sup> In fact, the number of female teachers is low at every level. In higher secondary colleges the percentage of female teachers is 22, in Degree (pass) college it is 20, in Degree (Honours) college it is 23, and in Masters College it is 31.<sup>121</sup>

## Sexual Harassment in Educational Institutions

- 17.6 In 2009 the High Court Division of the supreme court of Bangladesh gave some directions to fill up the legislative

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117 "Qawmi Degree Recognised," *The Daily Star*, April 12, 2017, <http://www.thedailystar.net/frontpage/qawmi-education-recognised-1389901>, accessed December 15, 2017.

118 "Bangladesh Sample Vital Registration System 2013" (Dhaka, Bangladesh: Bangladesh Bureau of Statistics (BBS), 2014).

119 "Bangladesh Educational Statistics 2013" (Bangladesh Bureau of Educational Information and Statistics, August 2014).

120 "Recruitment of Lecturers in Public Universities - Governance Challenges and Ways Forward" (Transparency International Bangladesh, December 18, 2016), [https://www.ti-bangladesh.org/beta3/images/2016/es\\_recruitment-pub\\_16\\_en.pdf](https://www.ti-bangladesh.org/beta3/images/2016/es_recruitment-pub_16_en.pdf).

121 "Bangladesh Educational Statistics 2016" (Bangladesh Bureau of Educational Information and Statistics, May, 2017).

vacuum, with a view to preventing sexual harassment in the educational institutions and workplaces. The court directed the Government to make laws in this behalf. But even today, the Government has not been able to make any effective laws in this regard. So, the female students are continuously harassed in educational institutions.<sup>122</sup>

## Insufficient Number of Teachers and lack of proper training

17.7 In 2015, the teacher student ratio in the world was 23:44, whereas in Bangladesh the ratio was 36:13.<sup>123</sup> In case of secondary education the global ratio in 2015 was 17:52 whereas in Bangladesh in 2013 it was 37:20.<sup>124</sup> This ratio shows that in Bangladesh there is acute insufficiency of teachers which lowers the standard of education.

## Errors in Text Books

17.8 The Government provides text books for free to the students up to secondary level. Due to procedural discrepancies, the quality of the book remains questionable. In 2013, there were at least 76 errors in the General Math text book of classes IX and X.<sup>125</sup> The number of errors in the Higher Math text book of classes IX and X were 81.<sup>126</sup> In selecting the members who are responsible for drafting the text books, political persons are given priority while selecting responsible people for drafting

122 According to UN Women Bangladesh's 2013 situational analysis in eight universities, 76 per cent of female students had faced incidents of sexual harassment. See: Hansika Vaghnani, Addressing Sexual Harassment in Universities, UN Women, September 14, 2015, <http://asiapacific.unwomen.org/en/news-and-events/stories/2015/09/addressing-sexual-harassment-in-universities>, accessed December 23, 2017.

123 "Pupil-Teacher Ratio in Primary Education (Headcount Basis)," *The World Bank*, n.d., <https://data.worldbank.org/indicator/SE.PRM.ENRL.TC.ZS?locations=BD>, accessed December 22, 2017.

124 Ibid.

125 "সময় মতো পাঠ্যবই, তবে ভুলে ভরা," *প্রথমআলো*, September 11, 2013, <http://www.prothomalo.com/education/article/46251/সময়মতো-পাঠ্যবই-তবে-ভুলে-ভরা>, accessed December 25, 2017.

126 Ibid.

the text books which eliminates the opportunity of selecting qualified people.<sup>127</sup> Moreover, textbooks are not delivered in due time in different parts of the country as a result of mismanagement, lack of proper monitoring, and transparency.

## Political Influence and the Educational System

- 17.9 The choice of topics and content for textbooks are strongly influenced by political bias. Inclusion and omissions of topics in textbooks are directly aligned with political interests of the elected Government. Each time, the change in Government directly influences the development of the curriculum. Appointment of public university teachers is dictated more by political influence rather than appropriate qualification of the teachers.<sup>128</sup>

## Leakage of Different Public Exam Questions

- 17.10 Since 2012, question of different public exams have been leaking out before the date of the examination. There are numerous groups involved in this process in multiple layers. The first ever leakage of question papers in Bangladesh occurred in 1979. From 1979 to 2008, a total 55 reports have been on question paper leakage. But in the last six years, more than 30 public exams of different institutions for both academic admission and jobs were accused of facing this malpractice.<sup>129</sup> So far, the strongest question leaking groups target different medical and public university admission tests. On 17 December 2017, questions of class two were leaked in Barguna district. As per concrete evidence, the

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127 Morsheda Aktar, "National Curriculum and Textbook Board (NCTB): Governance Challenges of Manuscript Development and Publication Management and Way Forward" (Transparency International Bangladesh, November 13, 2017), [https://www.transparencyinternational.org/beta3/images/2017/NCTB/NCTB\\_ex%20sum\\_English.pdf](https://www.transparencyinternational.org/beta3/images/2017/NCTB/NCTB_ex%20sum_English.pdf).

128 "Recruitment of Lecturers in Public Universities - Governance Challenges and Ways Forward."

129 মেহেদী হাসান, "পরীক্ষা মানেই প্রশংসা!", *The Daily Nayadiganta*, October 4, 2015, <http://www.dailynayadiganta.com/detail/news/58866>, accessed December 15, 2017.

administration cancelled the exams of 140 public and private primary schools.<sup>130</sup> Although the Government is trying hard to stop this malpractice, both teachers and different coaching centres are alleged to be responsible along with organized question leaking groups. In case of university admission exams, questions are leaked mostly by corrupt students and administrators.<sup>131</sup>

## Changes in National Curriculum and Demands of the Extremist Religious Groups

17.11 There are strong allegations from different levels stating that several topics have been omitted suddenly from the national curriculum according to demands of Hefazat-E-Islam, a religious extremist group. The National Curriculum and Textbook Board (NCTB) has brought some major changes in the curriculums of school level. In 2016, Hefazat-E-Islam claimed that the current curriculum is preaching Atheism and Hinduism among the students.<sup>132</sup> Their allegation against the Government was related to the omission of 17 Islamic ideology oriented topics and addition of seven new poems and stories that conflict with such ideology.<sup>133</sup> They highlighted a poem of class five titled Boi which was written by the late professor Humayun Azad. Hefazat-E-Islam claimed that he was a self-declared atheist and his poem was directly conflicting with the teachings of the Holy Quran. As a result, this poem was omitted from the present textbooks.

17.12 The NCTB is an independent organization; however, it is unfortunate that they had to face pressure from the upper

130 “দ্বিতীয় শ্রেণির প্রশ্নপত্র ফাঁস, পরীক্ষা স্থগিত,” সমকাল, December 17, 2017, [samakal.com/whole-country/article/1712999/দ্বিতীয়-শ্রেণির-প্রশ্নপত্র-ফেসবুকে-ফাঁস-পরীক্ষা-স্থগিত](http://samakal.com/whole-country/article/1712999/দ্বিতীয়-শ্রেণির-প্রশ্নপত্র-ফেসবুকে-ফাঁস-পরীক্ষা-স্থগিত), accessed December 15, 2017.

131 “প্রশ্নপত্র ফাঁস শিক্ষার্থীর সর্বনাশ,” *Jugantor*, October 17, 2017, [www.jugantor.com/online/national/2017/10/17/60795/প্রশ্নপত্র-ফাঁস-শিক্ষার্থীর-সর্বনাশ](http://www.jugantor.com/online/national/2017/10/17/60795/প্রশ্নপত্র-ফাঁস-শিক্ষার্থীর-সর্বনাশ), accessed December 15, 2017.

132 Akbar Hossain, “বাংলাদেশে পাঠ্যপুস্তকে বিতর্কিত বিষয়, খুশি করেছে হেফাজতকে?,” BBC, January 12, 2017, [www.bbc.com/bengali/news-38600453](http://www.bbc.com/bengali/news-38600453), accessed December 17, 2017.

133 Ibid.

administration to implement such changes. Moreover, the inclusion of the phrase titled, “O (bengali alphabet) Te (for) Orna Chai (demand of scarf”); ‘orna,’ a piece of cloth used by women to cover chest, is alleged to teach little kids about gender classification. This is thought to be a direct result of the pressure received from Hefazat-E-Islam. A vocal segment of the Civil Society Organization view these amendments (in national textbooks) brought by the Government as its policy of appeasement with the Islamist political parties and groups to drag their support in favour of vote politics.

- 17.13 According to media reports, the number of non-Monthly Pay Order (MPO) in educational institutions is 5,242 in which around 80,000 teachers are working without any pay, some for more than a decade. On December 30, 2017, around 200 teachers started a hunger-strike in front of National Press Club, Dhaka in demand of MPO. Though Government officials including the Education Minister have tried to console the teachers on many occasions, there have been no concrete steps towards salary allotment.

### **Education system is not inclusive for PWDs**

- 17.14 Social welfare ministry is providing special education and education allowance for PWDs from primary to higher level but it is insufficient according to the needs of the student with disabilities (SWDs). Most of the education institutions are inaccessible for SWDs and there is no adequate accommodation in class rooms. Teachers have no training to deal with SWDs and their learning process; education materials and curriculums are not disability friendly. In most cases, schools authorities and teachers disagree to admit students with severe disabilities.
- 17.15 There has been limited progress in this regard when compared to the number of people with disabilities and the magnitude of their needs and demands. There is only one nongovernment high school for girl students with visual

impairment. And no high schools for student with speech and hearing impairment. Deaf blind children are totally excluded



in light of UNCRPD, Persons with Disabilities Rights and Protection Act 2013 and SGDs Goal-4.

11. Establish well equipped educational institutions for students with visual impairment, and for students with speech and hearing impairments; Also establish an appropriate educational system for deaf-blind children.





## **Human Rights Forum Bangladesh (HRFB)**

Human Rights Forum, Bangladesh (HRFB) is a coalition of 20 human rights and development organizations working for the promotion and protection of human rights in the country. Started in 2007, the Forum was initially titled the Human Rights Forum on Universal Periodic Review (HR-UPR Forum) since its main objective was to collectively prepare the Stakeholders Report to be submitted under the Universal Periodic Review process of the UN Human Rights Council. Later in 2012, the forum has been transformed into Human Rights Forum Bangladesh (HRFB) expanding its remit to more comprehensive range of human rights issues going beyond the task of reporting under UN human rights mechanisms. Ain o Salish Kendra (ASK) is acting as the secretariat of the Forum.

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